

THE ROLE OF THE BISHOP IN LATE ANTIQUITY

CONFLICT AND COMPROMISE



EDITED BY ANDREW FEAR,
JOSÉ FERNÁNDEZ UBIÑA AND MAR MARCOS

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Andrew Fear, José Fernández
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Introduction

Andrew Fear, José Fernández Ubiña and Mar Marcos

Scholarly studies on the Episcopacy can be traced back to the Reformation, but these were *parti pris*, as inspired by ethical motives they formed part of a struggle against the papacy, the Christian hierarchy of the day and perceived clerical corruption. Luther, Melancthon and Calvin, steeped in the Bible, forcefully protested that, according to the Scriptures, and in particular the New Testament, the first Christian communities lacked any sort of institutional authority and that all the early faithful were equal in terms of authority and able to hold religious office without distinction – provided that they were guided by the Spirit and led an ethical life. These reformers, of course, knew full well that several ecclesiastical titles (bishops, presbyters, shepherds, masters, prophets . . .) are mentioned in the New Testament, but believed that these all signified the same ministry which was accessible to every Christian. So, in their opinion, clerical hierarchy and the Episcopal secular power not only were late human creations, but also the trigger for the degeneration which the Early Church had, as they saw it, increasingly suffered since the second century.

The Reformers' ideas and projects quickly gained the upper hand in many European countries. Nevertheless, a disappointing reality also soon arose: their anarchical proposals for an equalitarian and charismatic church, similar to the communities they perceived in the New Testament, proved to be completely impossible to implement, and just half a century later two serious and obvious contradictions emerged. First, it was apparent that the young Reformed churches had produced a strong clerical hierarchy of their own, very similar, although with different nomenclature, to that of the old and hated Catholic Church. Secondly, most of the Reformed churches were dependent on the civil power to assure their own survival, and so had to accept the interference of secular authorities in ecclesiastical affairs. The result was a scandalous revival of venality and corruption within the clergy as well as a selfish submission to the public institutions.

This failure explains the appearance of a new reformist wave, composed of groups such as the Puritans, Pietists, Congregationalists, which spread, above all in Germany and Britain, during the seventeenth and eighteenth centuries and fiercely criticized these evils. This time the Reformers' criticism was centred not only on their readings of Scripture, but also drew from historical texts, particularly from the Constantinian era, when, according to their point of view, the clergy suffered from an irretrievable ethical decay, and the church, in exchange of security and social privileges, put itself under the command of the Roman Emperor.

A leading figure among the Pietists was Gottfried Arnold (1666–1714) who highlighted the clerical degeneration in the second, third and fourth centuries and its influence on such a basic concept as orthodoxy itself which for Arnold was merely a reflection of the dominant clerical practices of the day (*Unparteyische Kirchen- und Ketzer-Historie*, 1699–1700). Arnold's learning was extraordinary for its time, but he was handicapped by the lack of a developed historical theory and methodology: in his epoch church history was no more than theology's

handmaiden. His lack of historical accuracy is revealed in his poor, if not chaotic, use of ancient texts. For instance, he uses second- or third-century sources to define the church's situation under Constantine whom he sees as responsible for the ethical decay of the Christian clergy.

In spite of all these grave deficiencies, the ideas of these new Reformers were an important step forward in our knowledge of the Early Church and its hierarchy, above all of the Episcopacy and its power. Perhaps their legacy should not be seen so much in the work of Arnold, but rather in that of the much more methodical and consistent Joseph Bingham (*The Antiquities of the Christian Church*, London, 1726) which A. H. M. Jones (*The Later Roman Empire*, Oxford, 1964, p. 1362) called 'the most useful and comprehensive book of which I know on the organization and discipline of the church' and also the brilliant pages that Edward Gibbon wrote on this topic in his *History of the Decline and Fall of the Roman Empire*.

In the nineteenth century there was a fruitful encounter between a renewed Pietism (found mainly in Germany and Great Britain), new historical and biblical methodologies and a new and rigorous approach to Classical Philology. This generated a new wave of historical studies on bishops which remain invaluable for students of the subject such as those of E. Hatch (especially his *The Organization of the Early Christian Churches: Eight Lectures Delivered before the University of Oxford, in the Year 1880*, London, 1918, Eighth Impression), A. W. A. Dale (*The Synod of Elvira and Christian Life in the Fourth Century. A Historical Essay*, London 1882) and A. von Harnack (e.g. his *Die Mission und Ausbreitung des Christentums in den Drei ersten Jahrhunderte*, Leipzig 1903, translated as *The Expansion of Christianity in the First Three Centuries*, London 1904). Nevertheless, these works had a strong theological inspiration which proved to be an insurmountable barrier to dispassionate academic study. For although von Harnack made great advances in the study of the evolution of the church's hierarchy, particularly is his distinction between charismatic and institutional offices (a distinction which later influenced the sociological ideas of Max Weber), and Hatch used a large corpus of classical inscriptions as well as his profound knowledge of the ancient world to show the deep influence of classical institutions (specially *collegia* and municipal *curiae*) on the names and functions of the clerical hierarchy (above all that of *episkopos*), both authors' main goal (something true of most believers at the time) was to demonstrate that the earliest Christian communities had enjoyed an intense spiritual life without formal officers or institutional authorities until the second century. After this period they held that the church's spiritual leadership had been replaced by a worldly Episcopal leadership with the result that all aspects of Christian behaviour and faith took a turn for the worse. Dale took these prejudices further, blaming the bishops assembled at the council of Elvira, particularly Hosius of Corduba, for trying to wipe out what he saw as a pristine Christian spirituality. According to Dale, this council was a pioneering attempt by the Episcopacy to transform the Christian religion into a political instrument at a crucial historical moment, when the Roman Empire was suffering an irreversible decline. In short, Dale and others of his opinions, such as Harnack, believed that the more prominent Christian bishops, such as Hosius, the advisor and friend of Constantine, realized that sooner or later the time would come when the emperors would turn to Christianity as the unifying power in the state. On the other hand, Catholic scholars who held the belief that the church had remained unchanged throughout the centuries, disagreed with this

Protestant thesis. The French savant L. Duchesne, whose *Histoire ancienne de l'Église* (Paris, 1905) is still a valuable and highly readable volume, wrote flatly that Dale's book was such a biased work that it was not worth reading (*Bulletin Critique* 4, 1883, 305–8).

From a historiographical point of view, things changed little during the first half of the twentieth century. The old theses were more theologically than historically enriched by a new generation of great German and British scholars, many of whom were deeply influenced by the sociological theories of Max Weber. Among these was H. von Campenhausen (*Kirchliches Amt und geistliche Vollmacht*, Tübingen 1953, English version: *Ecclesiastical Authority and Spiritual Power in the Church of the First Three Centuries*, London, 1969). Von Campenhausen saw in Cyprian the development of a new conception of the episcopacy, believing that it was at this time that the office became a powerful institution that assumed all kind of religious powers and prerogatives which in turn triggered a historical process of worldly degradation within the church. Another important contribution to this debate was made by several Anglican clerics who published their work in a volume entitled *The Apostolic Ministry* (London, 1946), edited by Kenneth Kirk, the Bishop of Oxford.

In sum, throughout this long century great progress was made in the historical reading of Christian sources (many of them carefully edited by these scholars), as well as in the differentiation between authentic and spurious works, and the development of a more rigorous chronology. Thus the historical methodology of the field became more scholarly and productive, and problems of a much more historical nature began to be posed, above all: why had the church's early popular organization disappeared and given rise to a worldly hierarchical institution?

Although many non-theological reasons were found to explain the birth and development of this new ecclesiastical hierarchy (these included, *inter alia*, the impact of the Jewish wars, Hellenization and the granting of imperial privileges to the church), many of those working in the field were still heavily influenced in their work by their own religious faith which far from fading in this period, became even more entrenched. Deep down the main goal of these scholars was to find in primitive Christianity a biblical or historical justification for the practices of their own modern churches. Therefore while, on the one hand, their field of research rarely extended beyond the third century, all of them, on the other, gave the first Christian communities, supposedly characterized by their lack of hierarchical authority, an extraordinary value, as if they were a sacred model and point of reference for posterity. As B. H. Streeter (*The Primitive Church. Studied with Special Reference to the Origins of the Christian Ministry*, London, 1929, viii) wrote, 'for four hundred years theologians of rival churches . . . have at least *hoped* that the result of their investigations would be to vindicate apostolic authority for the type of Church Order to which they were themselves attached. The Episcopalian has sought to find episcopacy, the Presbyterian Presbyterianism, and the Independent a system of independency, to be the form of church government in New Testament times'.

This explains why such a classically trained author as Adolf von Harnack wrote most of his historical works without using classical non-Christian sources. As a result, his reflections on the social compromise made by the clergy and bishops are always circumstantial, almost anecdotal: a mere illustration of the epoch's moral and doctrinal decline. This lack of interest

in the non-religious aspects of the episcopal office can still be seen in works written late in the twentieth century, for instance, in the contribution of Dom. G. Dix ('The ministry in the early Church, x. A.D. 90–410') to Kirk's edited volume. Although his topic, as the title suggests, covers more than three centuries, Dix shows much more interest in a theological assessment of the problems regarding apostolic succession (which according to him is a doctrinal, not an institutional question) and in the liturgical changes in the third and fourth centuries than in the historical consequences caused by the accumulation of powers and privileges in hands of the bishops. Logically enough, he therefore says almost nothing about the involvement of bishops in the social and political life of the period, and the subsequent transformation of the church into a kind of state within the Roman Empire.

During the last 50 years ancient bishops have become an increasingly important topic of research among both ecclesiastical (or theological) scholars and secular historians. The long German tradition is well represented by the likes of Gerd Theissen, who has re-invigorated the sociological approach to Early Christianity (*Sociology of Early Christianity*, Philadelphia, 1978, could be considered his pioneering work). Other American scholars have also approached the topic along this route including W. Meeks (*The First Urban Christians*, Yale University Press, 1983), J. T. Burtchaell, (*From Synagogue to Church. Public Services and Offices in the Earliest Christian Communities*, Cambridge University Press, 1992), and E. S. Fiorenza, who shows a strong feminist bias (*In Memory of Her: A Feminist Reconstruction of Christian Origins*, New York, 1985).

From a theological point of view, the most striking development has been the entry of Catholic scholars into this field. If Hans Küng (*The Church*, New York, 1967) or E. Schillebeeckx (*Ministry. Leadership in the Community of Jesus Christ*, New York, 1981) were, in this respect, pioneering figures, no less significant is the recent work sponsored by the French Catholic Bishop of La Rochelle (P.-G. Delage, ed., *Les Pères de l'Église et les ministères. Évolutions, idéal et réalités*, La Rochelle, 2008), which includes contributions by Catholic scholars, such as A. Faivre, who went on to write *Chrétiens et Églises des identités en construction. Acteurs, structures, frontières du champ religieux chrétien* (Paris, 2011).

Nevertheless, these Catholic contributions are affected in their approach in the same way as are their Protestant and Anglican colleagues: namely an overwhelming religious and theological concern hampers an appreciation of the historical impact which the church and bishops had on their own societies or how profoundly the social realities of the day affected the Episcopal authority. None of these scholars conceal that their research's primary aim is to find in the primitive communities of the church a model for the contemporary Catholic Church in order to find a way to resolve its contemporary problems (such as the admission of women and married men into the clergy), as well as to strengthen the role of laity and the whole community vis à vis authority of bishops.

However, two historiographic innovations deserve to be highlighted. First, a growth of an academic, non-ecclesiastical approach to the authority and powers of bishops whose concerns are not of a theological nature nor presuppose the existence of early idyllic Christian communities which were allegedly characterized by an institutional anarchy, but later destroyed by the rise of Episcopal power during the second or third centuries. Lay scholars are now much more interested in the social, economic and political influence bishops exercised

from the third century onwards. For this reason – and this is the second innovation – many historians concentrate on this later period, often called ‘Late Antiquity’ as by the late fourth century, the figure of the bishop had come to play a major role in the politics of the Western Roman Empire. While this phenomenon now seems, with the passage of time, almost a natural product of the rise of Christianity, the notion of historical necessity is delusory. Nor was the rise of the bishop merely a case of the secular Roman aristocracy colonizing a new area which was seen to be a rising locus of power, as while some leading bishops such as St Ambrose certainly did come from the old Roman aristocracy, equally influential figures such as St Martin of Tours did not. The state could have controlled the hierarchy of the church far more firmly than it in fact managed to do so. Arguably it was the weakness of the political centre in the mid-fourth century that allowed the hierarchy of the church to establish its independence and power to a far greater degree than might otherwise have been the case.

One of the first and most original researchers in this area has been Peter Brown, who has studied the bishop as a central character of the Late Antique society seeing this as centred on the episcopacy’s role of giving of social assistance and its involvement in religious ritual and popular piety, above all the cult of martyrs. A synthesis of Brown’s work in this field can be found in his recent, brief book, *Poverty and Leadership in the Later Roman Empire* (University Press of New England, Hanover, N.H., 2002).

It is impossible to set out here a detailed exposition of so many works and authors working in this broad field of research which encompasses such differing subjects. One important issue however is that of the relationship between the bishops of the church and emperors, the Court, and the town institutions, that is to say, the secular power of the state. The British and American tradition is represented in this area by historians such as Barnes, Bowersock, Drake, Liebeschuetz and McLynn, whose work deals, among other topics, with Constantine’s relations with the episcopacy in general (or with some bishops in particular), the tensions which arose between Emperor Theodosius and Ambrose of Milan, and the complex conflicts between this emperor and the clerics contending for the See of Constantinople. Santo Mazzarino also devoted his last work (*Storia sociale del vescovo Ambrogio*, Roma, 1989) to a study of Ambrose, making clear the immense social and economic power wielded by this bishop. Other Italian work on this topic can be found in a volume edited by Giorgio Bonamente and Rita Lizzi Testa, *Istituzioni, carismi ed esercizio del potere (IV-VI secolo d.C.)*. The German tradition, founded, as ever, on rigorous philology, has also produced a large number of valuable works such as that of G. Schöllgen on clerical professionalization (*Die Anfänge der Professionalisierung des Klerus und das kirchliche Amt in der Syrischen Didaskalie*, Münster, 1998), J. Bleicken on Constantine (*Konstantin der Grosse und die Christen*, Munich, 2007) and K. M. Girardet on the same emperor and Priscillian (Trier 385. ‘Der Prozess gegen die Priscillianer’, *Chiron* 4, 1974, 577–608). Contemporary French research has been no less productive, as can be seen from the works of Ch. Pietri (many of which have been reprinted in his *Christiana Respublica*, Rome 1997) and the volume edited by É. Rebillard and Cl. Sotinel (*L’évêque dans la cité du IV^e au V^e siècle. Image et autorité*, Roma, 1998) which highlights the far-reaching role the bishops played as patrons and leaders of a new urban life.

The essays in this volume are the outcome of an international conference entitled *Conflict and Compromise: The Role of the Bishop in Late Antiquity* held in Granada in the autumn of

2011 and are intended as a further contribution to this field, exploring the varying results of this rise in Episcopal power. The prize of the episcopacy is shown in the bitter conflict between Gregory of Nazianzus and Maximus the Cynic for the See of Constantinople studied by Torres and Teja. In the struggle we can also see the involvement of secular authority in church affairs and the intimate relation between the two is a constant theme of the volume.

The involvement of the church in politics led to an intensification in importance of internal problems within the church as they became more and more linked to matters of politics as a whole. One such matter was the suppression of deviant forms of Christian belief and this is a theme which runs through many of the chapters here. Ubiña and Mac Gaw provide two different approaches to one of these problems namely that of the Donatist schism in North Africa. Ubiña sees the schism as provoked by the brutality of Bishop Caecilian and looks at the early stages of this problematic breakaway in which the emperor Constantine was happy to ignore the wishes of the Catholic hierarchy when he thought this appropriate to pursue a solution to what he saw as much as a political as a religious matter. Later emperors, as Ubiña notes, took a harsher approach and it is this later period of the schism that is the focus of Mac Gaw's chapter. This examines the way that the Catholic Church endeavoured to use the legal system against their Donatist opponents in order to justify their case. The outcome of these proceedings was, of course, predetermined, but we again see the supervention of the secular into the ecclesiastical world.

Bishops saw such a link with the state as a way of furthering their own power in the community and Kahlos explores the lobbying undertaken by bishops to have ever more legislation to suppress paganism and the restraints placed on the effectiveness of such activity by local landowners. Sardella also examines the role bishops played in the internal politics of the empire, examining the way that various aspects of Christian doctrine concerning sexual relations were used to further ambitions founded as much in political as ecclesiastical concerns. The intervention of the church in such matters required legislation drafted along confessional lines. Such legislation was a crucial link in the intersection between secular and religious power and was a novelty of the late antique world, being, save for legislation outlawing Christianity, non-existent during the principate. Escribano Paño's chapter examines how this problem was worked out in practice by the Late Antique state and the dynamics which led to the creation of such legislation.

Such struggles for power did not only exist between secular and ecclesiastical authorities but also with the church itself. Ubric examines the way in which where a local church was unable to reach a consensus the recruitment of bishops from other areas who commanded respect among the wider Christian community was seen as a viable tactic for success. She also demonstrates how ecclesiastical problems rapidly became embroiled with secular concerns. An interesting feature of such trials was the way that ecclesiastical courts had an ability to look for compromise and resolutions which would preserve solidarity which were not available to secular courts and Ubric explores this at some length.

This search for respected and definitive arbiters for ecclesiastical problems gave the opportunity to the See of Rome to attempt to assert itself in this role. Its efforts to do so are explored by two of the chapters here. Marcos examines the efforts of Pope Zosimus to establish his see as the authoritative centre of the church, the resistance of local churches to

these attempts and how secular authorities became involved in this conflict and were its determining element. The relation between secular and religious authority is also explored by Evers who discusses Pope Hormisdas's attempt to impose a similar supremacy for the See of Rome across the empire. The chapter again throws into focus the local resistance that this encountered and the crucial role of secular power, in this case the Eastern emperor, Justin I. However, Evers would also want to grant Hormisdas some credit, by noting while secular power was decisive it was down to clerics to harness it successfully: 'Perhaps Hormisdas might not have been able to move without [an imperial bandwagon] – nevertheless, he is still the one who jumped on it'. All these struggles had a public face and this required an ability to put one's case convincingly in the public arena. Christians at one time had been proud of the 'artless' nature of their sacred texts, but the rise of the bishop and his increasingly public role required that oratorical ability now became a necessity and Quiroga's chapter examines the way in which the tenants of Late Antique secular rhetoric were redeployed in an ecclesiastical and religious context.

The link between church and state did not extend merely to the internal affairs of the empire. Fear examines the way that bishops were used by the Roman state as an extension of imperialism by diplomacy where emperors attempted to use Rome's position as the centre of the Christendom to influence the politics of neighbouring states and try to establish philo-Roman policies there. According to Fear however this attempt, logical though it seemed, broke down as the weakness of the Roman state and its inability to protect its Christian protégées led to a reorientation of local churches who came to identify much more with their local communities and their national aspirations than the wider ones of the Roman Empire as a whole.

The bulk of the chapters in this volume deal with a time when church and state bound in an ever-closer union sang, if at times dissonantly, from the same hymn book. The passing of the Roman state and its replacement by successor kingdoms whose leaders at times subscribed to a different creed led to a very different set of tensions and problems. Castillo's chapter examines how the Trinitarian bishops of Spain adapted to a world where their new rulers, the Arian Visigoths held power. The Gothic kings on the one hand could not risk alienating the bulk of their subjects by offending their religious sensibilities, the Trinitarian bishops, on the other, could not rely on the protection of their monarch and potentially could be victims of persecution as the leaders of a heresy. Castillo traces the religious policies of the Arian kings towards the church and the response of the church's hierarchy towards them and detects, tolerance, albeit born of pragmatism, opportunism and realism on both sides of the divide. One irritant in the relationship between king and bishops was the Byzantine enclave carved out of the Mediterranean coastal of Spain. Salvador Ventura looks at the reaction of Trinitarian bishops towards this venture. Initially he detects enthusiasm, unsurprising, given the Byzantines too were Trinitarian, but notes that this enthusiasm waned with the ebbing of the East Romans' fortunes, leading perhaps to the exile and demise of Licinianus, the Bishop of *Carthago Spartaria* at Byzantine hands. Byzantine heavy-handedness, not an uncommon phenomenon may also have had a role to play in the alienation of the two groups. Salvador Ventura sees the reorientation of the Hispanic Trinitarian Church as spear-headed by Leander of Seville whose work in converting Reccared to Trinitarianism led to the creation of a Spanish state where the

church and secular rulers were once again united in their faith. The interplay between church and state continued – the Trinitarian Visigothic state was once seen as a ‘theocracy’ with bishops playing the dominant role (see, for example, Thomas Hodgkin, ‘Visigothic Spain’, *EHR*, II (1887), but recent scholarship has shown that here too there was a dynamic relationship between secular and religious authority with ultimately the secular power having the upper, though not infallible, power. The relationship between the two of course continues to the present and has generated the scholarship discussed at the beginning of this introduction. The essays here endeavour to further research and thought about this intriguing field.

A Dispute of Episcopal Legitimacy: Gregory Nazianzen and Maximus in Constantinople*

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When once again in the peace and quiet of his family farm in Arianzum, Gregory remembered his turbulent stay in Constantinople: the struggles, conflicts and accusations that the old bishop had to face before taking the decision to resign from his post at the episcopal see in the city in June AD 381, during the Synod that he himself was chairing. With the perspective of distance and as a kind of balance for the events he had undergone in Constantinople, he wrote about these experiences in several poems and letters, as he combined literary activity with asceticism – his ideal way of life since he had been a boy. At last, after his retirement, the *secessus in villam*,¹ he was able to devote himself to his true vocation, philosophical *otium*, and he had decided to remain silent during Lent 382. This was a gesture of ascetic sacrifice and at the same time a kind of penitence for the mistake of publicly expressing his support for a false philosopher, one who would later try to usurp his own see.² The most interesting of these literary works is the long autobiographical poem, written in iambic trimeters, usually known as *Carmen de vita sua*, which tells of the ups and downs in the author's life, from his birth to the time he left Constantinople. It is a very useful historical source for this period and, above all, some significant events for Gregory, such as his dispute with the false philosopher, Maximus the Cynic. The section of the poem about that unfortunate experience, 385 lines out of a total of 1949, gives an idea of the enormous importance he attached to it. However, we should bear in mind that Gregory's main intention in writing this autobiography was to rehabilitate his reputation and his authority in the church, and he therefore is giving us his own personal view of these occurrences.³

Consequently the information we can extract from it is biased and provides a distorted portrait of his adversary. In any case, the aim of the present study goes beyond a mere description of events to attempt an understanding of the importance that the See of Constantinople was beginning to acquire at that time.

With a Nicene emperor for the first time after 40 years of Arian dominance, Constantinople was to become the Christian capital in the East, almost equal to Rome. In addition, we believe that the Maximus 'affaire' is perhaps the best expression of the difficulties in consolidating the figure of a bishop in a large Eastern city at a time when, with the rise to power of Theodosius I, it was foreseeable that a Christian empire would be established based on the Nicene dogma. It was surely not by chance that the enthronement of Gregory of Nazianzus in New Rome was contested by two bishops from the main sees at the time, Rome and Alexandria, whom

Theodosius himself had shortly before established as guarantors of orthodoxy and possessors of a patent of legitimacy for any bishop.⁴ This is clearly seen in the numerous contradictions and politico-ecclesiastical conflicts involving the bishops at this key moment in the history of Christianity in the late fourth century and early fifth century. These included, *inter alia*, the opposition between East and West; the rivalry between Rome, Alexandria and Constantinople; the contrast between the power of the synods and that of the great episcopal sees; the dichotomy between an ascetic and mystical bishop like Gregory and the mundane Cynic philosopher that Maximus seemed to be; and the involvement of sovereigns and cliques centred around clientela in episcopal elections. In short, we believe that the dispute with Maximus is a faithful reflection of the difficulties involved in the practical application of the ideals of a Christian bishop, as explained by some contemporary theoreticians, including Gregory of Nazianzus himself in his *Oratio* II.⁵

In 378, the Nicene bishop Peter of Alexandria returned from his exile in Rome after the amnesty proclaimed by the Arian emperor Valens. With Theodosius' rise to power the following year, it seemed clear that the situation was going to improve for the Nicenes. This signified the triumph, following Athanasius' death, of those principles that he had fought for all his life and had caused him to be banished several times. Alexandria was the second largest city in the empire after Rome and its bishop occupied the second place of honour, after the Bishop of Rome. Additionally, both sees had been leaders in Nicene orthodoxy for the previous half century. Theodosius' arrival should have strengthened Alexandria's religious leadership in the East. It was no coincidence that the Thessalonica edict of 28 February 380 designated Damasus of Rome and Peter of Alexandria as guarantors of the faith that other bishops should follow.⁶ This is why Gregory of Nazianzus, on being called to Constantinople in early 379 to take charge of the small Nicene community, sought the support of the powerful patriarch in Alexandria to take up this post. He had already expressed his support by means of a letter when Gregory arrived in the city. As Gregory himself states: 'You who are wise, explain this problem (for I cannot understand it easily unless some clever person explains it): how it was that Peter himself, the leader of the shepherds, not long ago installed me by means of letters so clearly free from ambiguity, (as the wording of his letters to me proves), and honoured me with the insignia of office.'⁷ Clearly, through this recognition, Peter was trying to establish a strategic alliance between the Sees of Alexandria and Constantinople.

In spring 380, the patriarch sent an Egyptian delegation to Constantinople, headed by Maximus, to offer Gregory support against the Arians. This individual presented himself as a Cynic philosopher and he was attired with the typical attributes of that school: a staff, white tunic and long blonde hair.⁸ His undeniable support for the Nicene doctrine of consubstantiality (*homoiousia*) gained him Gregory's unconditional friendship and trust, to the point of him wondering: 'Was there anyone who shared my house, my table, teachings, plans as Maximus did?' (Greg. Naz., *Carm.* II, 1, 11, v. 811). He thus became a valuable defender in such a hostile environment as Constantinople was for him. In recognition of his aid, just before the philosopher left for home in autumn of the same year, Gregory made a public eulogy in the Church of Anastasia, expressing his numerous virtues. It was a true panegyric, which described Maximus as 'the truest defender of the truth, the paladin of the Trinity to the blood, and the persecutor of the persecutors who harm him, bravely bearing the evil he suffers, since nothing

defeats the persecutor like the courage of the victim. [. . .] He is the best among the best, the most noble of the noble'.⁹ However, in contrast, Maximus aimed to establish an Egyptian power base, loyal to Peter of Alexandria and not to Gregory, in the capital. He soon returned, this time accompanied by several Egyptian bishops, with precise orders from the patriarch to be consecrated as the Nicene Bishop of Constantinople and thus take Gregory's place. We do not know the course of events in Alexandria, whether Maximus acted from the start as Peter's emissary in Constantinople or whether he contrived to attract him to his cause. In any case, it would not have been a difficult task, considering the resentment that Peter must have felt towards most Eastern bishops, who had previously persecuted his brother Athanasius. In addition, foreseeing the great importance that the See of Constantinople would acquire with Theodosius in power, he would not look kindly on it being occupied by a friend of Basil of Caesarea and Meletius of Antioch, who had never been on good terms with Alexandria.

Peter saw in Maximus the chance to possess a firm ally and docile instrument in the see of the new capital, and he did not hesitate to resort to the most scandalous and least diplomatic methods to achieve his aim. It is easy to imagine the naive Gregory's reaction when he discovered this stratagem, and he even considered resigning his post. He withdrew to the solitude of the countryside for a while, carried away by an innate tendency to flee that was a constant throughout his career from when his father ordained him a priest in 362, again in 370 when Basil of Caesarea named him Bishop of Sasima and in 380 when he fled out of the shame of being usurped from his see. As Nicanor Gómez Villegas says, 'the pattern of runaway-return is one of the leitmotiv characterising Gregory's biography and career'.¹⁰ On his return, he had to face up to the criticism aimed at him, not from the Arians but from his own clergy and the faithful of the Church of Anastasia, and defend his reputation as they reproached him for his ingenuity and timidity (*deilía*), his excessive circumspection (*perieskemménia*), his inaction (*rathumía*) and his lack of leadership. With that aim, once he had overcome the profound crisis the Maximus episode had caused in him, he composed *Address 26*. In it he expresses ideas that are often repeated in his works, such as his displeasure with everything around him: society, the ambition of the people, the city, the plebs, urban tumult, etc. He also makes some disparaging comments about the Cynic philosopher, resorting for the first time to the play on words offered by Maximus' situation as a 'Cynic', a word whose etymology is connected with the word 'dog'. To give an example, 'I am wary of dogs that have been accepted as sheep dogs and for which, paradoxically, they have no other merit than that of having cut off their hair, to which they have shamelessly given all their care'.¹¹ The later descriptions of Maximus are totally different from the eulogies in *Address 25*, and especially those in his autobiographical poem: 'There was amongst us in the city at that time an effeminate creature, a phantom from Egypt, a pestilential fanatic, a dog, a puppy, a street-walker, a disaster with no sense of smell, no bark, a great hulking monster, a raven-haired blond, his hair both straight and curled (the one his original state, the other recently acquired, for art is a second creator)'.¹² In reality, the reason why Gregory returned from his brief retirement in the country and took charge of the Nicene community again was the fear that the Arians would make up lost ground and that Maximus would take advantage of his absence to return to the city. The speech he made on his reappearance, acknowledging his error and asking the faithful for their pardon, must have had the desired result, and he regained their support.¹³

The events that culminated with Maximus' consecration as bishop are well known thanks to Gregory's account of them. The setting was the small church of Anastasia, where the philosopher arrived one night, accompanied by the Egyptian bishops who were to ordain him. Acting as his supporters were the sailors from the merchant fleet from Egypt, anchored in the port of Constantinople and who had previously been bribed. He had also attracted a presbyter from Thasos to his side; he was in the capital to buy Proconnesian marble¹⁴ for a church in his town and he used the money that he had brought for this purpose to support Maximus' cause, perhaps to bribe the sailors. Maximus took advantage that Gregory was confined by illness to carry out his plan, but an unforeseen complication arose. Ecclesiastical canons laid down that the bishop should have his hair tonsured before his consecration. Maximus' lengthy hair meant that this operation took longer than usual and dawn began to break before it was finished. One of the bishops who lived next to the church realized what was happening and sounded the alarm. The public went there and the ceremony had to be halted, and continued later at a piper's house. Maximus was thus consecrated a bishop, with the aspiration of being recognized as the legitimate head of the orthodox community in Constantinople. However, nobody in the city took his consecration seriously, and it was rejected as if it had been a joke. When he was expelled from the city by Gregory's followers, he went to Thessalonica in the hope of gaining the emperor's support, but Theodosius sent him away abruptly: 'he had been cast out like a dog, in terrible rage and with oaths which made one shudder' (Greg. Naz., *Carm.* II, 1, 11, vv. 1009–10). Later, Maximus went to Milan and there won over Bishop Ambrose, who, with Acholius,¹⁵ the Bishop of Thessalonica, and a group of Macedonian bishops, agreed to listen to Maximus at a council held in Aquileia in 381 and chaired by Ambrose of Milan. They then wrote to the Bishop of Rome, asking him to ratify the legitimacy of the Cynic philosopher's consecration in the See of Constantinople. Damasus replied and denied its validity because it contravened church rules and stated that it should not be tolerated because it would be a source of ecclesiastical strife. He also questioned the presence in the see of a bishop transferred from another see: a clear allusion to Gregory of Nazianzus and his post in Sasima.¹⁶ However, in the end, Ambrose obtained Pope Damasus' agreement with the decisions taken at the council. He also asked the Emperor Theodosius to readmit Maximus, reasoning that he had shown that he was in communion with Peter of Alexandria and that, although his ordination had been held in secret because of the presence of Arians in the churches, it was valid.¹⁷ He also questioned the legitimacy first of Gregory of Nazianzus' ordination and then that of Nectarius.¹⁸ It is an indication of Maximus' rhetorical skill that to win over the Western bishops who met at Aquileia, he adduced as proof of the legitimacy of his episcopal consecration the fact that 'he had been forced to accept it by the people and the clergy against his will'.¹⁹ Nonetheless, the council that met in Constantinople was not convinced and their reply is given in Canon 4, which clearly rejects the validity of his ordination.

In any case, the Maximus affair in Constantinople was well prepared and arranged, and we might wonder whether Peter of Alexandria worked alone in all this plot. Some of the allusions made by Gregory at the end of his farewell address, given in Constantinople in 381 to the Council Fathers, seem to refer to a large-scale conspiracy in which Peter succeeded in involving Pope Damasus and Ambrose of Milan. Alexandria and Rome intuited that the See of

Constantinople was going to acquire great importance with the presence of an orthodox emperor in the city and they needed to keep it under control or, if that was not possible, smear it. Otherwise its bishop could become the leader of the *pars Orientis*, and threaten the primacy of Alexandria, a close ally of Rome since the start of Athanasius' bishopric. Gregory refers to the unease caused by the possible primacy of Constantinople and the problems it was causing, and exclaims: 'If only there were no prelation, no regional pre-eminence, nor monarchic prerogative, so that we would be known only for our virtue'.²⁰ It was clear that if Alexandria succeeded in placing one of their own candidates in Constantinople, he would allow them to hold on to their primacy. Gregory's words sound like a prophetic prediction, as they are the earliest written evidence that has reached us about the schisms and conflicts that the pre-eminence of the Constantinopolitan See would provoke between that city and Alexandria. In reality the dispute between Gregory and Maximus goes beyond the rivalry of the two bishops and prefigures the religious and political rivalry between Alexandria and Constantinople that was to last two centuries.

Neil McLynn has highlighted, based particularly on Socrates, that when the emperor Julian triumphantly entered Constantinople in 361, there were at least five different Christian communities in the city, and that a series of schisms increased that number to nine during Theodosius' reign. However, they lived together quite peacefully, until 397 and the arrival of John Chrysostom to the city's bishopric. His policy of opposition to Arian processions led to the first known case of violence.²¹ This can possibly be explained by the permanent presence of the emperor in the city, as seems to be shown by the Arians' attack on Nectarius' residence in 388, when there was a rumour that Theodosius had been defeated by the usurper Maximus.²² When Theodosius arrived in Constantinople in November 380, he gave the Arian bishop Demophilus the chance of holding on to the bishopric in the city if he subscribed to the formula of orthodox faith, but the bishop rejected the offer and was banished.²³ This coherence and dignity shown by the bishop is striking, in comparison with the usual behaviour of changing sides whenever imperial power demanded it. Gregory was then acknowledged as orthodox Bishop of Constantinople with the emperor's support and consecrated shortly afterwards in the Church of the Holy Apostles. The emperor seemed to have in mind a definitive solution for the problem caused by the Cynic Maximus, since he did not cease trying to achieve his goals, despite seeing that he had no support in the East. Thus, before his *ingressus* in Constantinople, Theodosius had already decided to convene a council in the city and must have informed Pope Damasus of his decision. In summer 380, in a letter to Acholius of Thessalonica, the Pope referred to the imminence of that synod and asked him to help in the choice of a stainless, upright bishop for Constantinople in order to avoid dissensions in the church and restore peace.²⁴ However, the obstinacy of Ambrose, Damasus and Peter of Alexandria in questioning the choices first of Gregory and then of Nectarius, both ratified by Theodosius, undermined the emperor's authority. This motivated the approval of Canon 3 at the council in Constantinople which established the primacy of honour of the See of the city, after that of Rome.²⁵ Here we find 'the root cause of the later rivalry between Rome and Constantinople in one hand, and between Catholic West and Orthodox East on the other hand', as all scholars accept.²⁶ The council recognized Constantinople's second prerogative of honour to thwart Alexandria's

ambitions, but despite this, the Egyptian city continued to exercise its power over the See of the Bosphorus. Although the episcopal assembly in 381 originally consisted of Eastern bishops, the arrival of Timothy of Alexandria, Peter's successor, and Acholius of Thessalonica, was the determining factor in Gregory's decision to retire, since the latter bishop had brought orders from Pope Damasus to impugn the legitimacy of his election. The charges against him were solely that he had contravened Canon 15 of the council of Nicaea by his migration from the See of Sasima to that of Constantinople, although he had never taken possession of the former see. He describes the situation very graphically in the poem *De vita sua*: 'For they came, they came, hastily summoned to contribute to the process of reconciliation, Egyptians and Macedonians, experts in the laws and mysteries of God, blowing upon us a harsh wind from the west' (Greg. Naz., *Carm.* II, 1, 11, vv. 1798–1802). Harsh winds were indeed blowing for Gregory, as his stance was being questioned by the Western Church and he was being stripped of his authority by the Eastern Church which had never forgiven him for his support of Paulinus, instead of backing their own candidate Flavianus. In consequence, he offered his resignation before the council and emperor, and made a farewell speech.

In this address he refers to both *partes Imperii*, aware that the disagreements between them had forced his resignation and precipitated the conclusion: 'I would like to say farewell to you, East and West, who are at once the reasons and the actors in the war that you have declared on us' (Greg. Naz., *Or.* 42, 27). Indeed, he was a victim of the alliance between Damasus, Ambrose of Milan and the Alexandrians; he was caught in the middle of the disputes between Western and Eastern bishops, which shook the structure of the empire.²⁷

As for Maximus, we have described above the distorted portrait that has reached us, owing to the bias towards Gregory of our available sources. When fifth-century church historians reconstructed the events using the documents at their disposal, they inevitably reproduced the version that Gregory of Nazianzus, their main source of information, had given. Thus, the characterization of his rival is profoundly negative, since that is the way Gregory presents him, whether or not this reflects reality, after being the victim of the usurpation of his see, however, we should also recall that before this betrayal, Gregory had looked on Maximus as 'the best among the best, the most noble of the noble'.²⁸ Maximus for his part knew that he was supported, if not impelled, by the powerful Bishop of Alexandria and was therefore very likely to receive the support of other religious institutions and of Theodosius himself. Therefore, what the Cynic philosopher did was fight for something that he could obtain legitimately, although not honourably, as he had abused Gregory's friendship. In turn, Gregory had been over-ingenuous in trusting his adversary, although perhaps anyone would have acted in the same way, as it is sometimes difficult to see through a false friend. As he said in his autobiography, in his defence:

My failure to recognise my lack of perception was detestable. Like Adam I was deceived by a sinful tasting: beautiful to behold was the bitter tree. The appearance of faith deceived me since I could not see behind his face and words. For no one is easier to persuade than a trusting man who is readily attracted to piety whether real or apparent – what a worthy weakness! For each person believes what he wants to believe. What

should I have done? Tell me, you who are so wise. (Greg. Naz., *Carm.* II, 1, 11, vv. 959–68: 83)

Throughout his life, Gregory never tired of denouncing and insulting the numerous *arrivistes*, like Maximus, who filled the church at the time. However, as a final irony, both Ambrose of Milan and Pope Damasus firmly believed that when Gregory occupied the See of Constantinople, it had fallen into the hands of an ambitious upstart coming from the obscure village of Sasima, whereas in Constantinople they accused him as behaving more like a monk than as an aristocrat and leader of the people. Hence the outburst that accompanied his resignation: ‘Choose another bishop who knows how to please the masses; leave me to the peace and quiet of the countryside’.²⁹ From his retirement on his property in his native Arianzum, he did not cease expressing his displeasure with the unworthy bishops who occupied most of the episcopal sees at the time, including most of the participants at the council of Constantinople of 381 where he had resigned. His poem titled ‘Concerning his own and the bishops’ suffices as a sample of his diatribes against his fellow bishops:

Now that the whole inhabited world has obtained the salvation of God – and what a salvation! – what unworthy bishops we have been given! I am ashamed to speak the truth, but I shall do so anyway. We quickly place them in the sees, so that they can be the protectors (*prostátai*) of everyone, simply because they wish for it, without verifying their recent or past behaviour, their way of behaving, their preparation or the company they keep, not even what the sound of the coin tells us.³⁰ We do not place in the cathedra someone who has been pure for some time, but someone who, on the spur of the moment, seems to be worthy. And, if we well know that power usually corrupts the person who has been chosen, what sensible person would ever propose someone they know nothing of?³¹

Some scholars have seen in these words, and in the whole poem in general, a veiled allusion to senator Nectarius, who was chosen as his successor in the Constantinopolitan See on Theodosius’ proposal, even though he had not even been baptized.³² In fact, in Gregory’s numerous diatribes against his fellow bishops, he never mentions any of them by name, except Maximus, whom he openly insults in *Poem* II, 1, 41, dedicated to him. However, it must have felt especially cruel to him that both the Imperial Court and the bishops in the council forced him to resign, while accepting an senator. Therefore, the Cappadocian consoled himself by dwelling on the advantages of leaving the ‘glorious see of great Constantinople, the young Rome’, as it allowed him to return to the land that had nurtured him. ‘I, in contrast, when I leave here, I shall enjoy a quiet life, getting away from everything at the same time: court, city and bishops, as I have wished for a long time [. . .] and I shall make a sacrifice of silence, just as before I did of words’.³³

Notes

- * This work has been carried out within the Projects of Spanish Ministerio de Ciencia e Innovación FFI2009–12006; and HAR 2010–15957.
- 1 For this literary *topos* and the contradiction between active life and *anachoresis*, see R. Ruether (1969) *Gregory of Nazianzus. Rhetor and Philosopher* (Oxford); S. Roda (1994) ‘Fuga nel privato e nostalgia del potere nel IV sec. d. C.: nuovi accenti di un’antica ideologia’, in *Idem* (ed.), *La parte migliore del genere humano. Aristocrazie, potere e ideologia nell’Occidente tardoantico*, (Turin): 250–70; N. Gómez Villegas (2000) *Gregorio de Nacianzo en Constantinopla. Ortodoxia, heterodoxia y régimen teodosiano en una capital cristiana* (Madrid): 32–3; and 91–2, n. 44.
- 2 Thus he tells us in *Carmen* II, 1, 34, vv. 10–12: ‘I followed the advice of holy men and placed a door on my lips. The reason was that I should learn to set a limit on my words and be in control of everything’; and in *Carmen* II, 1, 11, vv. 984–9: ‘I am sticking out this troublesome and talkative tongue of mine: whoever wishes to may mercilessly cut it out. Why has it not been silent and will be silent even longer, paying the penalty, perhaps, for its vexatiousness, that it might learn not to be friendly to everybody?’ However, at the same time he maintained intense literary activity, a point that several scholars have noted, like M. Oberhaus (1991) *Gregor von Nazianz: Gegen den Zorn (Carmen 1, 2, 25)*, *Studien zur Geschichte und Kultur des Altertums, Neue Folge* 2.8 (Munich: Ferdinand Schöningh): 4–10; F. Gautier (2001) ‘Le carême de silence de Grégoire de Nazianze: une conversion à la littérature?’, *REAug* 47: 97–143; *Idem* (2002) *Le retraite et le sacerdoce chez Grégoire de Nazianze*, *Bibliothèque de l’École des hautes études sciences religieuses* 114 (Turnhout: Brepols): 169–213, esp. 195–210; S. A. Rebillard (2003) *Speaking for Salvation: Gregory of Nazianzus as Poet and Priest in his Autobiographical Poems* (PhD dissertation, Brown University), esp. chap. 3; B. K. Storin (2011) ‘In a Silent Way: Asceticism and Literature in the Rehabilitation of Gregory of Nazianzus’, *Journal of Early Christian Studies* 19, 2: 225–57.
- 3 R. Van Dam (1995) ‘Self-Representation in the Will of Gregory of Nazianzus’, *Journal of Theological Studies* NS 46: 118–48; N. McLynn (1997) ‘The Voice of Conscience: Gregory Nazianzen in Retirement’, in *Studia Ephemeridis Augustinianum* 58. *Vescovi e pastori in epoca Teodosiana*, vol. 2 (Rome): 299–308; *Idem* (1998) ‘A Self-Made Holy Man: The Case of Gregory Nazianzen’, *JECS* 6: 463–83, esp. 476–81; S. Elm (1999) ‘Inventing the “Father of the Church”: Gregory of Nazianzus’ “Farewell to the Bishops” (Or. 42) in its Historical Context’, in F. J. Feltenand and N. Jaspert (eds), *Vita Religiosa im Mittellalter. Festchrift für Kaspar Elm zum 70. Geburtstag* (Berlin): 3–20; J. McGuckin (2001) ‘Autobiography as Apologia in St. Gregory Nazianzen’, *SP* 37: 160–77; S. Efthymiadis (2006) ‘Two Gregories and Three Genres: Autobiography, Autohagiography and Hagiography’, in J. Bortnes and T. Hägg (eds), *Gregory of Nazianzus. Images and Reflections* (University of Copenhagen: Museum Tusculanum Press:): 239–56. Most of the extant sources were written by Gregory of Nazianzus: *Orationes* 25 y 26; *Carmina* II, 1, 11; II, 1, 40; y II, 1, 41. Further information is provided by Canon 4 at the council of Constantinople in 381; *Ep.* 13 by Ambrose of Milan and the *Epp.* 5 and 6 by Pope Damasus. A detailed study of Maximus’ career is to be found in R. E. Snee (1981) *The Gregory Nazianzen’s Constantinopolitan Career* (PhD, University of Washington).

- 4 G. Rauschen ((1897) *Jahrbücher der christlichen Kirche unter dem Kaiser Theodosius* (Freibourg in Br.): esp. 74), had already showed that the Thessalonica edict explained Maximus' arrival in Constantinople, and his view has been accepted by most scholars, even as a *terminus post quem* to fix the date of Maximus' first journey to Constantinople; cf. F. Fatti (2008) 'Il cane e il poeta: Gregorio Nazianzeno e Massimo il Cinico (su Greg. Naz., *Carm.* II, 1, 39 e II, 1, 41)', in *Studia Ephemeridis Augustinianum* 108: *Motivi e forme della poesia cristiana antica tra scrittura e tradizione classica* (Rome): esp. 303–6.
- 5 Cf. R. Lizzi (1987) *Il potere episcopale nell'Oriente romano. Rappresentazione ideologica e realtà política (IV-V sec. d. C.)*, Rome: esp. 57. . . .; R. Teja (1999b) 'La cristianización de los ideales del mundo clásico: el obispo', in *Id.*, *Emperadores, obispos, monjes y mujeres. Protagonistas del cristianismo antiguo* (Madrid: Trotta): 75–107.
- 6 Cod. Theod. XVI, 1–2: *Imppp. Gratianus, Valentinianus et Theodosius aaa. edictum ad populum urbis Constantinopolitanae. Cunctos populos quos clementiae nostrae regit temperamentum, in tali volumus religione versari, quam divinum Petrum apostolum tradidisse Romanis religio usque ad nunc ab ipso insinuata declarat quamque pontificem Damasum sequi claret et Petrum Alexandriae episcopum virum apostolicae sanctitatis, hoc est, ut secundum apostolicam disciplinam evangelicamque doctrinam patris et filii et spiritus sancti unam deitatem sub parili maiestate et sub pia trinitate credamus* (380 febr. 27).
- 7 Greg. Naz., *Carm.* II, 1, 11, vv. 858–62: *Sapientes, quaestionem explanate. Non enim id mihi facile perspicuum, nisi quis sapientium explicet: quomodo Petrus ipse, pastorum arbiter, primo quidem me litteris tam manifeste a versutia alienis, ut ipsae suadebunt missae ad nos litterae, in sede constituit, ac signis sedis confirmatae decoravit* (C. White (1996) ed. and tr. Eng., *Gregory of Nazianzus. Autobiographical Poems* (Cambridge University Press): 75). This is the only extant record of that hypothetical letter of support from Peter of Alessandria to Gregory of Nazianzus.
- 8 Greg. Naz., Or. 25, 2 (G. Lafontaine and J. Mossay (1981) (eds), *Grégoire de Nazianze. Discours 24–26* (SC 284, Paris): 160–2).
- 9 Greg. Naz., Or. 25,3 (PG XXXV, 1202): *Hic est veritatis athlete verissimus, et Trinitatis ad sanguinem usque propugnator, atque eorum, qui ipsum, iniuriae inferendae causa, persequabantur, per patiendi alacritatem persecutor. Nihil enim persecutorem ita superat, ut patientis alacritas [. . .] Hic ex optimis optimus, ex nobilibus nobilissimus.*
- 10 N. Gómez Villegas (2000) *Gregorio de Nacianzo en Constantinopla. . . op. cit.*, 33.
- 11 Greg. Naz., Or. 26, 3 (PG XXXV, 1231): *Iam mihi quoque timorem injiciunt canes, per vim in pastorum classem irrumpentes, idque, quod absurdum valde est, cum ad pastoralis muneris administrationem nihil omnino aliud contulerint, quam quod comam, cui ornandae et alendae turpiter studuerant, raserunt.* The name 'cynic' came from the Greek word *kýnes* (dogs) and the philosophers of that school called themselves in that way in allusion to the gymnasium where Antisthenes, Socrates' disciple, had taught the doctrine. Cf. G. Lafontaine and J. Mossay (1981) *Grégoire de Nazianze . . . op. cit.*, 230–1, n. 1.
- 12 Greg. Naz., *Carm.* II, 1.11.750–3: *thelydrías, / Aigýption phántasma, lyssodes kakón / kýon, kynískos, amphódon hyperétes / aris, aphonon pema, ketódes téras.*

- 13 Greg. Naz., *Carm.* II, 1, 11, vv. 1062–70 (C. White (1996) ed. and tr. Eng., *Gregory of Nazianzus . . . op. cit.*): ‘When the people heard these words, and someone who could not be restrained shouted out, they immediately erupted like a swarm of bees driven out by smoke, and began to shout wildly. Men, women, young girls and boys, children, old men, nobly born and commoners, officials, ordinary citizens, some soldiers: they all seethed with anger and desire alike, anger at my enemies and desire for their shepherd’.
- 14 A small island in the Sea of Marmara, famous in Antiquity for the marble that was reason for the sea’s name.
- 15 This Bishop of Thessalonica enjoyed great prestige as he had baptized Emperor Theodosius in 380, when he fell seriously ill. He played a major role as a mediator in all the disputes between East and West at that time.
- 16 Dam., *Ep.* 5, *Ad Acholium* (PL 13: 365–8): *Decursis litteris dilectionis vestrae, fratres charissimi, satis sum constrictatus; eo tempore, quo Deo praestante haeretici iverant abjecti, nescio quos ex Aegypto venientes in postulatione contra regulam ecclesiasticae disciplinae alienum a nostra professione in Constantinopolitana civitate Cynicum ad sacerdotium vocare voluisse [. . .]. Illud propterea commoneo dilectionem vestram ne patiamini aliquem contra statuta maiorum nostrorum de civitate alia ad aliam transducere, et deserere plebem sibi commissam, et ad alium populum per ambitionem transire. Tunc enim contentiones oriuntur, tunc schismata graviora accipiunt. Cf. Ep. 6 (PL 13: 369–70).*
- 17 Ambr., *Ep.* 9 (13) 3 (M. Zelzer and G. Banterle (1988) (ed. and tr.), *Sant’Ambrogio. Discorsi e lettere*, t. 3 (Milan-Rome): *Ad Theodosium: Namque in concilio nuper cum Maximus episcopus Alexandrinae ecclesiae communionem manere secum lectis Petri sanctae memoriae viri litteris prodidisset eiusque se creatum esse mandato intra privates aedes, quia Arriani ecclesiae basilicas adhuc tenebant, tribus episcopis ordinantibus dilucida testificatione docuisset, nihil habuimus, beatissime principum, in quo de episcopatu eius dubitare possemus, cum vim sibi repugnant a plerisque etiam de populo et clero testatus esset illatam.*
- 18 Ambr., *Ep.* 9 (13), 3 (M. Zelzer and G. Banterle (1988) (ed. and tr.), *Sant’Ambrogio . . . op. cit.*): *Atque hoc factum allegatur consensione et consilio Nectarii, cuius ordinatio quem ordinem habuerit non videmus. 4: [. . .] revera advertebamus Gregorium nequaquam secundum traditionem patrum Constantinopolitanae ecclesiae sibi sacerdotium vindicare. 5: Nectarius autem cum nuper nostra mediocritas Constantinopoli cognoverit ordinatum, cohaerere communionem nostrum cum orientalibus partibus non videmus [. . .].* For the conflictive relationship between Ambrose and Emperor Theodosius, cf. Ch. Pietri (1976) *Roma christiana. Recherches sur l’Eglise de Rome, son organization, sa politique, son idéologie de Miltiade à Sixte III (311–440)* (Paris-Rome), 856–72.
- 19 Ambr. (*Ep.* 9 (13), 3) (M. Zelzer and G. Banterle (1988) (ed. and tr.), *Sant’Ambrogio . . . op. cit.*): *Nihil habuimus, beatissime principum, in quo de episcopatu eius dubitare possemus, cum vim sibi repugnant a plerisque etiam de populo et clero testatus esset illatam.* For the origin of the *topos*, which goes back to Emperor Augustus, and the rejection of power as the best proof of the appropriateness of a candidate, cf. J. Beranger,

- ‘Le refus du pouvoir’, *Museum Helveticum* 5 (1948): 169–97; applied to ecclesiastical positions, cf. I. Cougar, (1966), ‘*Ordinationes invitus, coactus* de l’Église Antique au canon 214’, *RSPTh* 5: 169–97; R. Lizzi (1987, *Il potere episcopale nell’Oriente romano . . . op. cit.*), devotes a dense chapter to the topic, that is ‘Il rifiuto dell’episcopato e la sua elaborazione ideologica’: 33–56; and also R. Teja (1999a), *Emperadores, obispos, mujeres. Protagonistas del cristianismo antiguo* (Madrid: Trotta): 77–81.
- 20 Greg. Naz., *Or.* 26, 15 (PG XXXV, 1247): *Utinam potius ne ullus quidem sedis principatus esset, nec ulla loci praelatio, et tyrannica praerogativa!, ut ex sola virtute cognosceremur.*
- 21 N. McLynn (1992) ‘Christian Controversy and Violence in the Fourth Century’, *Kodai* 3: 20: ‘These congregations were not in the least furtive, even when most of them fell under increasing stridency during the reign of Theodosius’.
- 22 N. McLynn (1992) ‘Christian Controversy’, *op. cit.*: 21–2.
- 23 Socr. *HE* V, 7, 1–3. Cf. F. Trisoglio (1985) ‘La figura dell’eretico in Gregorio di Nazianzo’, *Augustinianum* 25: 793–832; *Idem* (1987), *Ibidem* 27: 185–217; N. Gómez Villegas (2000) *Gregorio de Nacianzo en Constantinopla . . . op. cit.*: 125–6.
- 24 Dam., *Ep.* 5, *Ad Acholium*: *De caetero commoneo sanctitatem vestram, ut quia cognovi dispositum esse Constantinopoli concilium fieri debere, sinceritas vestra det operam, quemadmodum praedictae civitatis episcopus eligatur, qui nullam habeat reprehensionem: ut Deo propitio cum integra pax catholicorum sacerdotum fuerit confirmata, nullae deinceps dissensiones in Ecclesia oriantur: ut praestante Deo, quod iam dudum optavimus, cum Catholicis sacerdotis posit pax perpetua perdurare.*
- 25 ‘Because it is new Rome, the bishop of Constantinople is to enjoy the privileges of honour after the bishop of Rome’ (Norman P. Tanner (ed.) (1990), *Decrees of the Ecumenical Councils*, 2 vols).
- 26 Cf. A. Tuilier (1997) ‘La politique de Theodose le Grand et les évêques de la fin du IV^{ème} siècle’, *Studia Ephemeridis Augustinianum* 58. *Vescovi e pastori in epoca theodosiana* (Rome): 45–71, esp. 50, n. 17.
- 27 Cf. J. H. W. G. Liebeschuetz (1990) *Barbarians and Bishops. Army, Church and State in the Age of Arcadius and Chrysostom* (Oxford: Clarendon Press): 160–3.
- 28 Greg. Naz., *Or.* 25,3: *Hutos áristos mèn ex aríston, kai ex eugenón eugenéstatos.* We agree with Stephanos Efthymiadis who says that ‘[. . .] the physical description of a perverse Maximus introduced in the same poem (*Carm.* II, 1, 11, 750–754) is passed over in silence by the hagiographer (Gregory the Presbyter) [. . .]. Above all, the hagiographer’s moderate stance towards Maximus was dictated by his desire to redress the balance between reality and Gregory’s (of Nazianzus) excessively hostile tone’ (2006), ‘Two Gregories and Three Genres’, *op. cit.*: 250.
- 29 Greg. Naz., *Or.* 42, 24 (PG XXXVI, 487): *Antistitem alium, qui multitudini placeat, create: mihi autem date solitudinem et rusticitatem, et Deum, cui soli etiam per tenuem victum cultumque placebimus.*
- 30 Meaning, as a way to know whether a coin is real or a forgery. Perhaps it is an allusion to the possible orthodoxy or heterodoxy of the candidates.
- 31 Greg. Naz., *Carm.* II, 1, 12, vv. 355–7; vv. 375–84 (PG XXXVII, 1191–4): *Quamvis iam*

fere per totum orbem terrarum miram a Domino salute acceperimus, quam valde indignis utimur episcopis! [. . .] Nos autem facile quoslibet constituimus, si tantum voluerint, populi antistites; nihil considerantes, non recentia, non antiqua, non actionem, non sermonem ullum, non conversationem, nec tantum morantes, quantum oporteat ad dignoscendum numismatis sonum, eos qui non fuerunt tempore et igni probati, subito iudicamus esse dignos thronis. Quod si id sciremus eum, qui electus est, potentia plerumque deteriore fieri, quis cordatus eum, quem non novit, eligeret?

- 32 Thus, recently, Bradley K. Storin (2011), ‘In a Silent Way . . . *op. cit.*’: 255) states: ‘Gregory turns his literary skill against Nectarius presenting him as the photographic negative of himself’.
- 33 Greg. Naz., *Carm.* II, 1, 10, vv. 25–34 (PG XXXVII, 1028–129): *Ego autem illinc profectus, tranquilla vita laetabor. Cunctis simul, aula et urbibus, et sacerdotibus sponte relictis, ut olim optabam [. . .] Etiam silentium, instar victimae, ut antea sermonem, offeram.* For the titles that Gregory gives the new capital of the East in this poem, cf. R. Teja (2010) ‘La ananeosis-renovatio de Constantinopla: una evocación de Salvatore Calderone’, in V. Aiello and L. De Salvo (eds), *Salvatore Calderone (1915–2000). La personalità científica. Atti del Convegno Internazionale di Studi* (Messina-Taormina, 19–21 febbraio, 2002) (Messina: Di.Sc.A.M.): 449–54.

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The Donatist Conflict as Seen by Constantine and the Bishops

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The Donatist Schism arose in very confused circumstances which in all probability will never become completely clear. The immediate cause was the election, between the years 307 and 312, of Caecilianus as Bishop of Carthage to replace the recently deceased Mensurius, whose archdeacon he had been. His enemies, the future Donatists, considered his consecration to be illegitimate, as only three bishops had been present (the usual number in Africa being 12) and, above all, because one of them, Felix of Abthugni, had been a *traditor* during the Great Persecution of 303 and 304. This, according to the tradition of the African Church, disqualified him from consecrating another cleric. Most likely these charges, whether true or false, were a mere pretext. The enemies of Caecilianus, particularly numerous among the lower classes, had a weightier reason for opposing his election: his ruthless conduct during the Great Persecution, when he was just an archdeacon. Indeed Caecilianus, far from declaring his support at the time for those Christians who had been locked up for having publicly defended their faith, opposed them and prevented both relatives and the faithful with lashes of the whip from succouring them with food, thus causing them to die of starvation in prison. In the words of the *Passio Abitinensium* (20), ‘Caecilianus was more ruthless than the tyrant, more bloody than the executioner’. The accounts appear to be true, as Mensurius justified what happened with the argument that some of those imprisoned were criminals who sought to profit from the attentions that the faithful lavished on their detained brethren (Aug., *Breu. coll.* 3, 13, 25).

Having decided not to accept him as bishop, Caecilianus’s adversaries set themselves up a provisional organization, presided over by an *interventor*, who was assassinated by the Caecilians (Aug., *Ep.* 44, 4, 8). In this climate of fratricidal violence, a council of 70 bishops met in Carthage and, with the enthusiastic support of the crowd, deposed Caecilianus. Mindful of his irregular consecration and of popular rejection, Caecilianus proposed to the bishops that they consecrate him, but the council refused and appointed Maiorinus in his stead. When the latter died shortly afterwards, probably in the summer of 313, Donatus would be appointed as his successor and give his name to the schism.

Caecilianus’s followers, however, succeeded in getting him recognized by the Catholic Church and by Constantine, and having the charges against Felix of Abthugni deemed calumnious. The dispute was active until the fifth century and gave rise to a rich literature, replete with lies and falsified documents, in which each faction attributed responsibility for the schism to the other and said their clerical leaders were *traditores* (‘handlers-over’), which is to say that they had surrendered the Scriptures for destruction during the Great Persecution (Optatus, *Ap.* I and II; Aug., *C. Cresc.* 3, 27, 30; *Breu. coll.* 3, 13, 25). That explains the singular historical dimension of this dispute and of the evidence that has come down to us, all

of it (with the exception of some imperial and conciliar documents) subsequent to the reign of Constantine and sometimes of dubious reliability.¹

The longevity of Donatism and its deep popular support in Africa have given rise to diverse historical explanations in recent centuries, in which its ethnic, social and cultural background has been highlighted, or the peculiar religious fervour of the North African peoples since earliest times.² These overarching explanations do not usually, in my view, give proper attention to the concrete circumstances in which the schism arose and took root, nor to the decisive role played by some of the protagonists, or the actual changes that took place within the movement over the years. The aim of this essay is, in the first place, to reconstruct from the fragmentary documentation that survives to us, a likely sequence of events marking the hardening of the schism under Constantine. And, secondly, to analyse the diverse attitudes of its main protagonists. This will allow us to assess the general interpretations already mentioned and, above all, to bring out how Caecilianus's violent methods, supported by the Western churches, were the fundamental cause of the schism and its religious and social intensification. Constantine met the growing clerical fanaticism of both factions with a policy of conciliation, which prevented the separation of the Donatist churches and their confrontation with the empire.

Constantine's policy in the early stages of the schism (307–14)

Constantine's first reference to the schism appears in his letter to Caecilianus, the first known example between an emperor and a bishop, written near the beginning of 313 (Eusebius, *HE*, X, 6, 1–5). In this he informs him that 3,000 *folles* have been sent to be distributed among the clergy of all the North African provinces in accordance with Hosius of Corduba's instructions, and lets him know that he has given instructions to the highest provincial authorities – the proconsul and the *vicarius* – to put an end to the schism caused by some Christians. The letter reveals that although Constantine considers Caecilianus the visible head of the African churches, he sees the schism as a problem of his authority, approaching it from a political-administrative angle and disregarding the opinion of the church. He even permits himself to ask Caecilianus to turn, in the event of continued dissent, to the aforementioned authorities for a definitive resolution of the problem. All of which suggests that the emperor had a superficial understanding of the conflict and took it for granted that unity could be swiftly restored by means of the imperial administration.

This marginalization of the church appears to reflect the conception of religion that Constantine then held, as he himself disclosed in the letter he sent around that time to Anulinus, proconsul of Africa (Eusebius, *HE*, X, 7, 1). In it he orders him to exempt the clergy of the Catholic Church presided over by Caecilianus from public duties, so that they might be consecrated without any obstacle to their religious ones. Constantine is convinced that those tasks will yield great benefits for the empire, as it has been proved that disregard for religion has always given rise to grave dangers for public life, whereas, by contrast, whenever it has been duly respected, the name of Rome and public affairs have enjoyed the greatest good

fortune and prosperity. It is clear that Constantine is not thinking solely, or even principally, of the recently legalized Christianity, but of the traditional religion to which Rome, in his view, owes its wealth and power (when the cult has been respected) as much as its misfortunes (when religious matters have been neglected). It can therefore be deduced that at the time the emperor sees Christianity as part of the Roman religious system, and its clerics as servants comparable to those of other religions.

This reveals three characteristics of Constantine: (1) His interference in Christian affairs is dictated not so much by his personal faith as by his duty as emperor, responsible for guaranteeing divine protection of the empire and Roman society. (2) He sincerely believed in the importance of that protection and is therefore far removed from the image Burckhardt propagated of the Machiavellian emperor who used Christianity to consolidate his power. In a sense, he was a common believer. His originality, genuinely laudable for that era, was that his credulity did not lead him to impose his convictions in a violent manner, but, on the contrary, he believed they could be spread by persuasion. (3) He felt increasingly identified with the Christian God as the supreme divinity in a kind of henotheism which, for one thing, yielded appreciable material benefits for the church and its clergy.

On 15 April 313, the proconsul Anulinus sent a report to the emperor (Aug., *Ep.* 88, 2; Optatus, I, 22, 2) informing him that, in spite of the privileges bestowed on the clergy and the imperial interest in preserving religious unity, various people, supported by the plebeian masses, had demonstrated their opposition to Caecilianus and handed over to the proconsul two documents to be sent to the emperor. One, signed by the Maiorinus faction, denounced the crimes of Caecilianus, and the other requested that the emperor appoint bishops from Gaul (where there were no persecutions or schisms) to judge the legitimacy of Caecilianus.

In all probability, this report was what alerted Constantine to the gravity of the problem and its dangerous social implications, and of the need to take specific measures to resolve it. As is well known, he accepted the *pars Maiorini* petition (soon to be known as the *pars Donati*, following the death of Maiorinus and election of Donatus as Bishop of Carthage), appointed three bishop-judges from Gaul and ordered that they hear the case under the presidency of Pope Miltiades in Rome. The letter that Constantine wrote to Miltiades, expressing his profound concern about the conflict, makes clear the task that he assigned to these clerics: to act as civil *iudices*, hear both parties and, ‘consonant with the most reverend law’, deliver a just verdict (Eusebius, *HE*, X, 5, 18–20).

Nothing indicates that Constantine had already taken a decision. Another factor is the dreadful error committed by the dissenters who, certain of their cause, did not realize that their proposals could only be implemented in Africa, where they were in the majority and Caecilianus a hated figure. Elsewhere, the bishops unanimously supported Caecilianus, which is why, as Augustine would later reveal (*Ep.* 43, 3, 7 and 6, 18), he opted to be judged by the overseas churches. This was also made clear by this synodical court of Rome, which in October 313 exonerated Caecilianus (Optatus, I, 24, 1–2). It was, however, a moderate judgement, in line with imperial policy, condemning Donatus, who now led the dissenters, but at the same time recognizing the episcopal dignity of his followers (Aug., *Epp.* 43, 5, 16; 185, 10, 47).

The immediate protests of the Donatists make it clear that the synodical judges had acted

precipitately and had not even taken into account the dissenters' main charge, namely the *traditio* of Felix of Abthugni, which invalidated the ordination of Caecilianus. I do not believe, as Optatus claims (I, 25, 1–2), that Constantine received the Donatist protests with indignation. It is more likely that he was indignant at their not having reached a satisfactory solution in Rome and that the conflict, far from easing off, had intensified. Hence his decision to summon a new synodical court for 1 August 314 in Arles, comprised of numerous bishops from all the provinces within his dominion, and at whose disposal he put state transportation, proving his interest in reaching a just ruling.

Two letters from the emperor, both from the start of 314, confirm this concern. In one of them (Optatus, *Ap.* III), he orders the vicar Aelafius to organize the transfer of the African bishops to Arles, stipulating that both factions follow different routes and that all of them undertake not to provoke any sort of sedition in their absence. This stipulation reveals the extent to which the religious conflict was disturbing the social peace, the emperor's prime concern. It is no less significant that Constantine, on learning that Aelafius was also a 'worshipper of the Most High God', imparts to him the Roman authorities' obligation to resolve the religious conflicts properly and to prevent the supreme deity getting angry with society and with the emperor himself, and thus the safety and prosperity of all being jeopardized. It can therefore be deduced that Constantine, although he was advised by Hosius of Corduba and other Catholic clerics, had not already decided against the Donatists, and was becoming increasingly fearful of losing power through not acting properly in the religious sphere. This mentality is closer, in my view, to traditional Roman religiosity than to that of primitive Christianity, and therefore governed by a preoccupation that is more political than spiritual in nature. In the second letter, addressed to Chrestus, Bishop of the Syracusans (Eusebius, *HE*, X, 5, 21–4), Constantine reproduces some of the ideas formulated in the letter to Aelafius, although he more clearly reveals his identification with the Caecilian faction and, curiously, represses the reflections mentioned above on the social and political importance of the cult of the supreme divinity. It is as though the emperor judged such reflections to be more appropriate for a henotheist judge than for a Christian bishop. And he adds an interesting detail: every bishop would have at his disposal a public vehicle for the trip to Arles and could be accompanied by three slaves and two persons 'of the second office', an imprecise expression designating the rest of the clergy and confirming the strongly episcopalian character of the church in the early fourth century.

Constantine's interest in finding a swift and just resolution of the conflict can also be seen in his decision to carry out an official inquiry into whether Felix of Abthugni had committed *traditio* during the Great Persecution of 303, which had disqualified him from consecrating Caecilianus as Bishop of Carthage (Optatus, *Ap.* II). The inquiry confirmed Felix's innocence and therefore the legitimacy of Caecilianus, the issue that had triggered the schism, but also highlighted two significant facts: in the first place, Felix's friendship and connivance with the pagan authorities. There is also evidence for such complicity on the part of clerics and judges, even during times of persecution, in other African cities such as Cirta (Optatus, *Ap.* I), Tigisis (Aug., *C. Cresconium* 3, 26, 29–3, 27, 30) and Carthage (Aug., *Breu. coll.* 3, 13, 25), and in numerous other provinces of the empire. And if Eusebius (*HE*, 8, 1, 5) saw this connivance as an indication of episcopal corruption, the Constantinian revolution could not have happened

without it.³ A second fact, no less relevant, is that the whole investigation was carried out by civil authorities, from the emperor who set it up to the proconsul Aelianus who pronounced the judgement absolving Felix, most likely on 15 February 314 (Aug., *Ad donatistas post collationem* 33, 56). The main accuser and witness to the charge, Ingentius, was a decurion of Ziqua and an enemy of Felix and the Caecilians. And among the local magistrates who took part in the inquiry was a Carthaginian priest of Jupiter Optimus Maximus. By contrast, neither the accused bishop nor any cleric was questioned. The Donatists complained of Aelianus's favouritism (Aug., *Breu. coll.* 3, 24, 42) and of the intrusion of public powers in an ecclesiastical matter, but Augustine (*Ep.* 43, 4, 13; *C. Parm.* 1, 8, 13) was in no doubt that the emperor and his delegates had the authority to judge these matters and that their rulings came from God.

The council of Arles and Constantine's policy of pacification (314–17)

The ecclesiastic court of Arles approved the agreements made the previous year in Rome. Caecilianus was recognized as the legitimate bishop of Carthage and, what is more, the Donatists were excommunicated as evil people whom God and the church had condemned and with whom no dialogue could be maintained. The harshness of these agreements shows what little knowledge the Western churches had of the strength of Donatism in Africa and that they were in no way predisposed to find a consensual solution to the conflict. This intransigent attitude might have seemed justified following the adhesion to the Arles agreements by some Donatist clerics (Aug., *Ep.* 88, 3; *Breu. coll.* 3, 19, 37), but the emperor soon learned that the council had been a fiasco and the African Catholics themselves let it fall into oblivion.

In order to disguise this reality, the Catholics falsified the letter *aeterna et religiosa* (Optatus, *Ap.* V) in which Constantine expresses his boundless faith in the bishops' judgements, ranking them as divine, as they judge according to the teachings of Christ,⁴ to whom he attributes all his fortune and earthly power. The emperor, therefore, regrets that the Donatists, unhappy with the Arles resolutions, have appealed to him in the hope of obtaining the favourable judgement that had twice been denied to them by the Western church, and concludes by asking Catholics to be patient and declaring that he has instructed the *vicarius Africae* to send all the dissenters to the court.

Other sources make it clear, however, that Constantine did not hold the Catholic bishops in such high esteem, incapable as they were of reaching an acceptable solution to the conflict, and nor did he disregard the complaints of their opponents. This is demonstrated by the fact that, in spite of his scant sympathy for the Donatists, he immediately accepted their appeal, met in Rome with several schismatic bishops who had taken part in the council of Arles (to whom he then provided public transport for their return to Africa), summoned Ingentius to court to bear witness to the charge before the litigants, and decided personally to judge the religious dissension. To that end, in late 315, he summoned both factions by letter and let the Donatists know that he would condemn Caecilianus if they proved any of the charges that were laid against him (Optatus, *Ap.* VI; Aug., *Ep.* 88, 4; *C. Cresc.* 3, 70, 81).

Aware that they had lost the emperor's trust, the Catholics were not pleased with this proposal, and Caecilianus, in an attitude of open contempt, did not even turn up at court (Aug., *Ep.* 43). African Catholicism was then probably at its lowest ebb. But the Donatists, far from taking advantage of the situation to improve their relations with the emperor, tried to reinforce their rule by means of popular agitation, giving rise to serious disturbances that not even the *vicarius* Domitius Celsus could quell, as he himself told Constantine in the autumn of 315. In his reply to the *vicarius* (Optatus, *Ap.* VII), the emperor asked him to eschew repressive measures and let both factions know that he himself would go to Africa to carefully investigate the conduct of the populace and especially that of the clergy, duly punish those responsible for the conflict and show everyone how to worship the divinity properly, as this was his duty by virtue of tradition and his office as prince.

Constantine's response makes it obvious that he was acting for social as much as for religious reasons, and that he considered the latter inherent in his office, which again confirms the view that he was deeply imbued with the traditional Roman mentality. What was new was his henotheist vision of the divine world (so often emphasized in modern historiography) and his lack of awareness (less highlighted by historians) that, in the Christian sphere, his capacity for making decisions was limited by the authority of the bishops, who rarely relinquished their powers. It is clear, on the other hand, that the emperor was still confident of overcoming, in a peaceful manner, the disagreements between Donatists and Catholics and thus putting an end to the schism in North African Christianity.

To attain such a difficult objective, Constantine sought an ingenious solution. In Milan between late 315 and November 316, he recognized Caecilianus's innocence and his legitimacy as Bishop of Carthage, thereby accepting that the African Catholic faction and the Western churches were right. In full knowledge, however, that Caecilianus's return would result in serious disturbances, Constantine, at the Donatists' prompting, kept him detained in Brescia (Optatus, I, 26; Aug., *C. Cres.* 3, 71, 83). The Donatists would always hark back to this decision as proof that the emperor had condemned – not absolved – Caecilianus. It is possible that this was the moment when Constantine gave his blessing to the journey of Bishops Eunomius and Olympius to Carthage with the task of appointing a new bishop for that city in place of the irreconcilable Caecilianus and Donatus. If the plan had succeeded, the conflict could have ended without victors or vanquished, but the mission miscarried owing to riots by supporters of Donatus, who without doubt were hoping for a solution that was much more favourable to them (Optatus, I, 26; Aug., *Breu. coll.* 3, 20, 38).⁵ Thus, in barely a few months, the Donatists gave incontrovertible proof of their inability to reach a negotiated agreement with the emperor, let alone with the Catholic faction. This intransigent attitude, the product of their ecclesiastical isolation and stagnation in a religious ideology anchored in the old ideals of purity and martyrdom, left Constantine with no other option than to allow Caecilianus to return, as the legitimate Bishop of Carthage, and to condemn his detractors for calumny.⁶

Failure of repressive measures against Donatism and decline of Catholicism (317–37)

Some Catholic sources and modern historiography state that Constantine now promulgated a law against the Donatists which set off the bloody persecution of the years 317–21. Augustine (*Ep.* 105, 2, 9) describes it as the *seuerissima lex*, but cites no concrete act of persecution. Only the *Passio Donati*, apparently written by a Donatist victim, gives some details, albeit contradictory and imprecise. Essentially, it laments that the old *lapsi* or collaborators monopolize ecclesiastical honours and have an exclusive enjoyment of royal friendship (*regali amicitia*) and earthly privileges (*muneribus terrenis*). It is especially censorious that these modern Pharisees, highlighting Caecilianus among them, have imposed their authority by means of bribery or with the aid of the army and mercenaries, whom they incited to massacre the Christian populace and several of their clerics taking refuge in a basilica. And not content with that, the criminal Caecilianus tried to appropriate the building as though it were an act of love.

There is no proof, however, that these Caecilian outrages took place under the shield of an imperial edict, and it is highly probable that the *seuerissima lex* referred to by Augustine never existed. We know that at no point did Constantine ever revoke the freedom of worship proclaimed in the Milan protocol, and nor did he act in an exceptional manner against Donatism, which was neither proscribed nor had its property confiscated to be handed over to the Catholics. The proof is that the majority of Donatist bishops, including Donatus himself, continued at the head of their dioceses without suffering any kind of official reprisal. In fact, in Cirta, the capital of Numidia, there was just one Christian community, the Donatist, until at least 320.

Surviving sources only allow us to suppose that the emperor condemned several of Caecilianus's accusers for calumny, most of them clerics from around Carthage, punishing them with exile and the confiscation of their assets, which might have included basilicas.⁷ This would explain why the focus of the repression, as the *Passio Donati* testifies (12), was the city of Carthage and that Constantine's decree only foresaw confiscations to benefit the Treasury, as Augustine acknowledges (*Epp.* 88, 3; 93,14. Cf. *C. Pet.* I, 92, 205).

It is probable, however, that Caecilianus did not act entirely outside the law. His full exoneration by the emperor left him as the sole supreme authority of the Carthaginian Church recognized by the state. For some Roman magistrates, that obliged all the North African clergy to remain in communion with Caecilianus. So at least thought Aelianus, proconsul of Numidia, when in late 320 he reproached several Donatist clerics from Cirta for not being in communion with the bishop recognized by the emperor (Optatus, *Ap.* I, 2). Imperial recognition of Caecilianus made him, besides, the person with ultimate responsibility for Catholic property and places of worship in Carthage, some of which might then have been in Donatist hands. Hence some soldiers, following Bishop of Carthage's orders, might have violently taken possession of those basilicas and caused the deaths of Donatists holed up there.

In other words, imperial recognition of Caecilianus legitimized the recovery of some basilicas around Carthage belonging to the 'calumniators' condemned in 316, but not the bloody methods used or those that he had already resorted to (as stated above) on previous occasions. If that was so, the massacres of the years 317–21 were not the product of a supposed imperial edict against the Donatists, but final evidence of Caecilianus's ruthless character, now acting with the cover of the legal judgement against his accusers and the irresponsible complicity of some soldiers, if not mercenaries, as suggested by the *Passio*

Donati (6).

On 5 May 321, via a rescript addressed to Verinus, *vicarius Africae*, the emperor pardoned those accusers, although he suspected that they would again cause problems, as they themselves had warned him that they were ready to suffer any punishment rather than be in communion with Caecilianus (*Breu. coll.* 3, 21, 39), who was Constantine's favourite bishop, according to Augustine (*Ep.* 141, 9). In his letter to the people and to the Catholic bishops of Africa, written at the same time, Constantine justified his pardon as applying to just a few fanatics, whose punishment he preferred to leave in the hands of God (Optatus, *Ap.* IX).

Modern historians share the view that this pardon, granted on the eve of Constantine's war against Licinius, was an attempt to guarantee the religious peace in Africa, a region that was vital for the provision of food to Rome. That being so, it must be admitted that Constantine feared potential Donatist unrest more than he did that of the Catholics. What is certain is that Constantine's amnesty led to the re-establishment of religious peace in Africa for a quarter of a century. The Donatists, although stripped of clerical privileges, consolidated their social and spiritual predominance, while the weakness of the Catholic faction was accentuated, above all in Numidia. Perhaps that is why the Catholic episcopate submissively followed the imperial advice, expressed in the above-mentioned letter, to patiently accept the impertinence of the Donatists and leave retribution in the hands of God.

At the time everyone must have known that the schism could not be resolved while Caecilianus continued at the helm of the Catholic Church and the Donatists were ill-disposed to negotiate with the emperor. But we know very little about the years of relative peace that followed Constantine's amnesty. In Cirta a small Catholic community managed to establish itself, which, in spite of the economic and institutional support of the emperor, was cowed by the numerically superior and aggressive Donatist Church. Many other North African cities experienced a similar situation. After defeating Licinius in 324 and reuniting the empire, Constantine believed that the supreme divinity, to whom he owed his military successes, desired the immediate re-establishment of religious unity, expressed as 'a mental concord common to all God's servants', as he confessed in the letter sent at the end of that year to Alexander, Bishop of Alexandria, and his presbyter Arius (Eusebius, *VC*, II, 64–9). Constantine was then confident that the conflict could be resolved by the arbitration of Eastern clerics, whom he considered to be particularly enlightened by virtue of belonging to the regions where Christianity was born. But in the same letter the emperor regretted having abandoned hope of thus reconciling the Africans, because an even more serious dissension, Arianism, had just broken out in the East.

The constitution of 1 September 326 (*CTh* 16, 5, 1), in which Constantine reaffirms that privileges granted for religious reasons will only benefit Catholics, accurately reflects his policy towards the dissenters, whom he tolerates legally, but marginalizes institutionally and economically. It is confirmed by his last known intervention in the Donatist conflict, dated 5 February 330. This was the imperial letter *cum summi Dei*, addressed to eleven Catholic bishops in Numidia (Optatus, *Ap.* X). In it the emperor satisfies two of those bishops' grievances: (1) that the Donatists had appropriated a basilica in Cirta that the emperor had built for the Catholics, and whose return had been ordered without result by several judges; and (2) that the schismatics obliged some Catholic clerics to bear certain public and municipal

charges (*ad munera uel ad decurionatum*) from which various Constantinian laws exempted them. With regard to the first grievance, the emperor accepted this *fait accompli*, praised the peaceful attitude of the Catholics and ordered the highest authorities in Numidia to provide them with the necessary means to build a new basilica. The emperor responded to the second grievance with a law, directed at Valentius, *consularis* of Numidia, in which he exempted the Catholic clergy from the obligations mentioned (*CTh* 16, 2, 7, 5 February 330).

These documents demonstrate that the Catholic clergy, with less than unanimous good grace, had submitted to Constantine's policy of pacification and renounced the violent methods promoted by Caecilianus. It is possible that this peaceful attitude might also have been due to the death of that bishop, of whom we have no records later than the council of Nicaea (325), which he attended as a representative of the Carthaginian Church. In any case, a similarly accommodating attitude on the part of Catholics towards dissenters was exceptional and contrasts, for example, with Ambrose's absolute refusal to cede a Milanese basilica to the Arians as the imperial court wished. If in this instance the bishop succeeded in imposing his will, such a solution would have been unthinkable in Africa under Constantine. Not just because no-one at that time questioned his supreme authority in religious affairs, but also because no other emperor confronted these problems as Constantine did, with such a sincere desire to achieve religious peace – an objective which, as the *cum summi Dei* letter also shows, he considered his principal duty as an agent of God in the battle against the malign forces of Satan, inspirer of heretics and schismatics.

Conclusions

During the reign of Constantine, no undercurrents or deep motivation of an ethnic, cultural or social nature can be detected in the Donatist conflict. Among the dissenters are people such as Victor the Grammarian, whose ethnically Moorish ancestors had achieved Roman citizenship and become integrated in the municipal oligarchies of Cirta. This allowed the young Victor to receive the standard education of provincial elites and to gain access to the ecclesiastical hierarchy as a reader. He is a typical example of those thousands of citizens who, coming from peoples conquered by Rome, made a career within the empire and gave it that integrative character which Ronald Syme saw as the foundation of its greatness.⁸ The high cultural level of some Donatist clerics is similarly highlighted by the numerous codexes, of diverse contents, found in their possession (Aug., *C. Cresc.* 3, 27, 30; Optatus, *Ap.* I, 5). Nor was there a shortage of well-to-do people among the first Donatists, such as the numerous *seniores laici* who supported the dissent; Victor the Fuller, who bought the office of presbyter for 20 *folles*; or the intriguing Lucilla, *clarissima femina* who gave 400 *folles* to Caecilianus's enemies to prevent him from being elected bishop. The *Passio Donati* (3), which cites among the misdeeds of the Catholic persecution, 'the threats of proscriptions launched against the rich' (*diuitibus*), is another resounding proof that the Donatists, although supported by the majority of the people, by no means considered themselves a movement of the socially deprived.

Caecilianus's brutal actions fully explain the wide opposition to his appointment as Bishop

of Carthage. The conflict immediately spread to other churches in the region because the bishop of that city enjoyed great spiritual influence over all the North African provinces (Aug., *Ep.* 43, 7), and got worse with the passage of time because Caecilianus, throughout his long episcopacy, did not renounce his violent methods. Thus, far from serving to re-establish unity, he himself became the principal cause of division within African Christianity. The Donatist schism, however, was not born of a mere personal conflict. We know that some churches, in particular those of Cirta and Carthage, accumulated substantial wealth, food and clothing, which allowed them to sustain a large clerical class and carry out an intensive programme of social aid among the least advantaged classes, who formed the majority of the population. Hence the growing social prestige of their bishops, even among the pagan sectors. And so it was that behind the personal confrontations lay the ambition to control this great patrimony and power, with which both factions would reproach each other (Optatus, 3, 3; *Ap.* II, 4; Aug. *Ps. contra partem Donati*, line 94).

The Donatists, being the majority faction and feeling themselves to be endorsed by ecclesiastical tradition and discipline, claimed with good reason to be recognized as the authentic Catholic Church in Africa and to enjoy, in consequence, the privileges granted by Constantine. But their refusal to negotiate a compromise solution led to their religious isolation and marginalization by the state. They thus began to feel as though they were a separate church, the repository of the inheritance of the apostles and martyrs, which the diabolic forces of evil continued to persecute, incarnated now in the institutional church sustained by the empire (Optatus, 3, 3–4).

Constantine's policy of integration, however, prevented a complete distancing from the Donatists and even allowed for the re-establishment of a minimal religious coexistence. For sociological and historical reasons that we still do not know for certain, Donatism spread very rapidly, above all from 321, and many Catholic believers and clerics joined it. This period of accelerated expansion would probably not have been possible without the growing moderation, religious and political, of the schismatics. Evidence is provided by the council of Carthage of 336, which approved the admission of Catholic believers without their needing to be re-baptized first (Aug., *Ep.* 93, 10, 43), and by the letter Donatus sent around that time to the Roman judge Gregorius, accusing him of 'pollution of the senate and disgrace of the prefecture'. Optatus (3, 3, 3) quotes this phrase as proof of Donatus's irresponsibility and contrasts it with the *patientia episcopali* of the judge. But it is clear that, irresponsible or not, Donatus reveals here his adhesion to Rome and its institutions, which he holds in such high esteem that he does not believe Gregorius worthy of them. Donatism, in short, no longer harboured feelings of political hostility, but neither did it understand that its triumph required an understanding with the empire and the institutional church.

This fragile equilibrium broke down decades after the death of Constantine, when the repressive measures taken by some emperors intensified the Donatist resistance and awoke its opposition to the empire and its Catholic allies. Only then did the religious schism nurture ideas of political rebellion and assume, above all in Numidia, the cultural and social connotations uncovered by so many excellent studies of the past century, such as those by Frend and Brisson already cited.

Notes

- 1 Most of these sources can be found in J.-L. Maier (1987) *Le Dossier du Donatisme. I. Des origines à la mort de Constance II (303–361)* (Berlin). Their authenticity, particularly of those that Optato added as appendices to his work, was questioned by O. Seeck (1889) ‘Quellen und Urkunden über die Anfänge des Donatismus’, *Zeitschrift für Kirchengeschichte* 10: 505–68, and defended by L. Duchesne (1890) ‘Le dossier du donatisme’, *MAH* 10: 589–650. Cf. state of the debate in T. D. Barnes (1975) ‘The Beginnings of Donatism’, *JThS* 26: 13–22 and Y. Duval (2000) *Chrétiens d’Afrique à l’aube de la paix constantinienne. Les premiers échos de la grande persécution* (Paris).
- 2 Cf. W. H. C. Frend (1952) *The Donatist Church. A Movement of Protest in Roman North Africa* (Oxford) : xi–xiv and J.-P. Brisson (1958) *Autonomisme et christianisme dans l’Afrique Romaine de Septime Sévère à l’invasion vandale* (Paris): 3–5.
- 3 C. Lepelley (2001) ‘Chrétiens et païens au temps de la persécution de Dioclétien: le cas d’Abthugni’, in Idem, *Aspects de l’Afrique Romaine. Les cités, la vie rurale, le christianisme* (Bari): 321–8.
- 4 Should the letter be authentic, this would be the first time that Constantine mentions Christ (cf. Maier, op. cit., p. 168, n. 5).
- 5 Cf. E. L. Grasmück (1964) *Coercitio, Staat und Kirche im Donatistenstreit* (Bonn): 71–85; A. C. De Veer, ‘Le séjour de Caecilianus à Brescia’, *BA* 31: 822–4.
- 6 H. A. Drake (2000) *Constantine and the Bishops. The Politics of Intolerance* (Baltimore and London): 212–21.
- 7 F. Martroye (1913) ‘La répression du donatisme et la politique religieuse de Constantin et de ses successeurs en Afrique’, *MSNAF* 73: 46.
- 8 R. Syme (1999) *The Provincial at Rome* (University of Exeter Press). Cf. F. Millar (2003), *Dos revoluciones romanas: Augusto y Constantino* (Granada): 10–14.

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*Ius et religio: The Conference of Carthage and the End of the Donatist Schism, 411 AD*¹

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The Conference of Carthage, convened by the emperor Honorius, opened on 1 June 411. Bishops of the Catholic and Donatist churches met to solve the schism that had divided African Christians for over a century. In reality, it was the culmination of a policy of proscription that the Roman State had pursued against the Donatist Church in the previous years. This chapter studies the interaction of legal and religious aspects which held a central place in the African bishops' debate, without forgetting the political conditions, necessary to understand the reasons for calling the meeting and its development, stressing dissemination and propagandistic factors.

The Conference at Carthage was a religious event with profound political content. It is worth pointing out that the concepts conventionally identified as 'politics' and 'religion' in our modern world did not have equally discernible boundaries in antiquity. Their vague outlines did not hide the decisive role of ritual elements and religion in institutional practice and the exercise of power. The clear separation between the religious and political spheres helps to understand the matter being studied, but both aspects were combined in the processes of building authority, the organization of institutional elements, and the creation of symbolic mechanisms, which the different groups used to dispute areas of power in Antiquity (Campagno, Gallego and García Mac Gaw 2009: 7–9). These methodological foundations should be taken into account because we shall emphasize the articulation of their political-military, religious and legal aspects.²

As noted above, the conference was convened as the last step in the series of actions taken by the imperial court in favour of the Catholic Church and against the Donatists.³ These state procedures corresponded to a growing demand for them from the Catholics, supported by more active policies encouraged by the primate of Carthage, Aurelius and Augustine of Hippo who were instrumental in these initiatives, despite hiding behind anonymity in their decisions.⁴ It was precisely in the period between 395 and 405 when the African Catholic episcopal hierarchy was renewed and church policies were aligned with centralist positions in contrast to a long, local tradition.⁵ As Ch. Pietri reasons: 'avec la fin du IV^e siècle s'achève le splendide isolement dans lequel, depuis plusieurs dizaines d'années, s'était établie l'Eglise africaine' (Pietri 1976: 1151). In the council meeting in August 403, a plan was drafted for a meeting with the schismatics, and an appeal made to the State for support, but the Donatists finally refused to debate (*Gesta*, III, 174).⁶ There followed an increase in the violence of the Donatists, backed up by Circumcellion groups. This in turn led to tougher legislation and in

405 the re-establishment of religious unity was proclaimed in favour of the Catholics, who were granted the use of the Donatists' basilicas, and the schism was equated with heresy on the grounds that the Donatists practised Anabaptism.⁷ It was then the Donatists' turn to ask the praetorian prefect for an audience in 406, but it cannot be said for certain that they demanded a general conference with the Catholics.⁸

In Italy, in August 408 a plot organized by Olympius brought down the Vandal Stilicho, a military leader and important figure in Honorius' court.⁹ Augustine wrote to Olympius, duplicating the official procedure taken by the bishops at the council in Carthage in October, asking for the anti-heresy laws outlawing the Donatists to be maintained.¹⁰ The Bishop of Hippo Regius states that the Donatists believed those measures were the result of the pro-Catholic bias of Stilicho rather than of the emperor, and that they even circulated a false tolerance edict.¹¹ This led to revenge being taken by those who had suffered any kind of repression from the Catholics (Frend 1952: 270). Some Catholic bishops were murdered and others attacked. Augustine's letters note other crimes at the same time (*Ep.* 97, 108 and 111). These conflicts took place within a wider turbulent situation in Africa, as a short time before, in mid-408, there had been an uprising of pagan groups in Calama.¹² Olympius quickly ordered a series of laws, decreeing the death penalty against Donatists and Jews who acted against the Catholic Church.¹³ In early 409, there was a threat of sanctions against magistrates who were deemed lax in their repression of heresy, especially Donatism, implying connivance between some local authorities and the persecuted groups.¹⁴ However, Olympius appeared incompetent in handling the crisis which led to Alaric's forces occupying Italy and he was soon deposed.¹⁵ Honorius' political hesitancy led to the siege of Rome and the choice of Alaric's puppet emperor, Priscus Attalus, supported by the Senate.¹⁶ The Visigoths were unable to capture Africa, and Governor Heraclianus' grain blockade became the best support for Honorius, who nearly fled to Constantinople because of his desperate situation. In spring 410, the government began to reverse its religious policy and issued a tolerance edict which was short lived, but probably aimed at securing the posts of some non-Christian German military leaders.¹⁷ Following the council in June at Carthage, a delegation of Catholic bishops sailed for Italy with the aim of derogating the law, and also requesting that a conference be convened with the two African churches. As a result, on 25 August, the day after the sack of Rome began, the tolerance law was revoked and the proscription and death penalty for heretics was established.¹⁸ In October the emperor issued a document, with a long introduction, calling the conference.¹⁹ It stated that, among the many great concerns of the kingdom, respect for Catholic law was the most important, and that both waging war and deliberation in times of peace were aimed at obtaining respect for the true worship of God (*Gesta*, I, 4, 4–5).

Perhaps the initial words in the edict were not mere formalities, as Africa was described as 'the greatest part of our kingdom and loyally subject to our civil administration'.²⁰ The contrast with the other areas subject to Honorius' government strengthens this view. The Visigoths' armies were marching through Italy, while the usurpers Constantine, Constans and Gerontius fought against the emperor for the control of Gaul and Hispania while Britannia had been completely abandoned. The African provinces were the last bastion of the Western Empire. Might Honorius have been smoothing the way for moving his court there? Convening the

conference was included within a series of measures to pacify the region, the first of which was a reduction in taxes after Heraclianus' victory over the alliance of Alaric and Attalus (CT 11.28.6). The idea was not new: some Roman aristocrats had fled across the Mediterranean at this time, and Augustine's letters bear witness to the journey of Melania the Younger and her husband Pinianus through Africa while they lived in Thagaste.²¹ If this was not the emperor's intention, the government at least needed to keep control over the area which sent it most of its tax revenue.

At the same time, the imperial text does not hide the conclusion foreseen for the conference. According to the text, the Donatists had already been reprimanded by the council or the terror and because their 'vain error and superfluous discord stains Africa'.²² The edict states that the decision had been taken to revoke a previous decree of tolerance,²³ 'to avoid the occasion being used in favour of superstitions', 'so that the error of the baneful interpretation of the Donatists is not propagated' and 'so that the act of imperial condescendence is not mistaken for incitement to act against divine religion'.²⁴ In order not to leave any shadow of doubt, the edict points out that even when 'the unanimous and manifest opinion prevails that Catholic law be established for the orthodox worship of the faithful and by the emperor's decision', the court has taken note of the wishes of the delegation of bishops (i.e. the Catholic party) for them to meet and, after each side had designated bishop delegates, 'for . . . manifest reason to refute heresy at the end of the debate'.²⁵ The expected result is obvious: the condemnation of the Donatists: a situation which had already been foreseen in the persecution edicts.²⁶

Calling the meeting also had a complex legal side.²⁷ On one hand, the terms of appearance that were fixed are similar to those in force at normal legal trials and a judge, F. Marcellinus, was assigned.²⁸ However on the other hand, there were no plaintiffs or defendants, which paralleled the elastic legal form of a *cognitio extra ordinem* convened by the state through a *pragmaticum rescriptum*.²⁹ This led to endless discussion by the Donatists during the conference about several legal questions such as *praescriptio de tempore*, *praescriptio de mandato*, and the characterization of *persona*. These aspects have already been studied in depth by other historians.³⁰ At present it is sufficient to point out that the first aspect was connected with the legal periods established by the imperial edict and the two edicts issued by Marcellinus, which the Donatists believed had not been respected by the Catholics (*Gesta*, I, 22–9). The second aspect explains why the Donatists wanted access to the document given by the Catholic Church to the bishops who had requested the conference before the emperor³¹ and also insisted that everyone who had signed the mandate delegate the seven bishops to be protagonists in the conference³² and appear before the judge. This led to a complex inspection process which took up practically all the first day.³³ The last point was connected to the legal character of the delegated bishops, either as plaintiffs or as defendants.³⁴ This is related to the previous point, since the knowledge of the Catholic mandate presented to the emperor requesting the conference implied having access to the terms on which the accusation had been made, which allowed a strategy of the defence to be devised.³⁵

The Donatists organized their appearances around these fine legal arguments, frequently mixed with proposals suggesting that the meeting should be convened as a council and not a trial (*Gesta*, I, 47). However, this involved turning the organization of the meeting upside-

down as it meant that all the bishops of both churches present in Carthage instead of just the seven delegates would be able to express themselves freely and this the Catholics firmly refused to accept. Instead of establishing the way in which to hold the meeting, the *modus*, the judge left this choice to both parties. However, on several occasions he pointed out that, as the emperor's delegate, he could not stray from the legal regulations.³⁶ In turn, the Catholics argued for the need to distinguish between the *causa ecclesiae* and the *causa Caecilianiani*, each of which involved using a different type of documentation: the holy texts and the proofs which had acquitted Caecilianus of the accusation of *traditio* made by the Donatists at the start of the schism.³⁷

In general, the Donatists' actions at the conference have been regarded as delaying tactics, together with an avoidance of compromising themselves in the fundamental discussion. As Lancel says: 'avec le fol espoir d'enliser la Conférence dans les actions dilatoires, et d'éviter ainsi une défaite certaine'.³⁸ Maureen Tilley differs from this view arguing on one hand that historians have been influenced by Catholic propaganda and on the other, that the Donatists' strategy was aimed at placing the discussions in the perspective that they believed was most significant according to their own religious criteria (Tilley 1991: 7). She is therefore totally correct when she maintains that the Donatist emphasis on the question of *persona* is connected with the importance that the personal history of the members of each church held for them, and this went back to the question of the sin of *traditio* that stained certain bishops and polluted those who had communed with them (Tilley 1991: 15–18).³⁹ This means that the *causa Caecilianiani*, one aspect of the *causa personae*, is directly connected with the *causa ecclesiae*.⁴⁰

The image of 'the Church' was the underlying idea which guided the institutional actions of the African Church and organized theological discourse in the region. Cyprian had taken the image of a sealed fountain from the *Song of Songs* to represent his idea of the 'Church' as a persecuted sect opposed to an intolerant society.⁴¹ The same image had been used by the Schismatics to make their own image of 'the Church', laying especial stress on their position as martyrs produced by the persecution of the state and the Catholics.⁴² Thus, when the word 'world' appears in the Scriptures, Donatist bishops understood that it included both sinners and the just, whereas 'the Church' is the communion of the pure, who have no 'spots or wrinkles'.⁴³ According to this viewpoint, every action of members of the church should aim at preserving that purity and so the separation of sinners and the just was necessary to avoid the corruption of the church.⁴⁴ These elements are built on the foundation of a rigid duality between the church and the world, good and evil, sinners and non-sinners, martyrs and persecutors and so on.⁴⁵ This perception of social reality and the institution itself is archaic in a way, as the Christians of the fifth century were not persecuted in general. The Donatists appealed to a discursive dialectic which belonged to the first centuries of a church opposed the sociocultural environment in which it then existed, and therefore they saw themselves as a body of the chosen, persecuted from the outside. However the Donatist doctrine also included a tradition which consciously expressed reality in these contradictory terms in order to lay down clear boundaries between belonging and not belonging to the group. In this respect, it was the direct intellectual heir of the doctrine of Cyprian of Carthage written in the context of

the persecutions of Decius and Valerianus: a tradition which was totally appropriate for the Donatists facing an intensification of state persecution at the start of the new century. This ideological viewpoint was built upon an almost literal reading of the Bible, which made it relatively easy to maintain this type of rigorist postures. Hence the theological reflections made by most intellectually capable Donatist bishops, like Petilianus and Emeritus, do not appear to have a similar depth to the ideas put forward by Augustine.

The Bishop of Hippo Regius embodied the evolution of the ideas within the church which, between the early fourth century and the start of the fifth, had strengthened its growing dominance in society and the Roman State. The advent of Constantine I's new religious policy had led to the need to redefine the institutional existence of the church. The confrontation between Catholics and Donatists acted as a laboratory for the introduction of policies expressing an alliance between the state and a Christian faction, thus sanctioning different positions for the two African churches. The idea of a 'triumphant church' is not enough to explain these changes, and we should examine the transformation of certain practices connected with doctrine and ritual. In this respect, I have previously insisted on the theoretical and practical changes effected in the baptism ritual (García Mac Gaw 2008). The doctrinal adaptation related to the perception of the church in the world implies a theoretical rearrangement which gives new meaning to the basic texts on which the discourse of the Catholic Church is built. In this respect, Augustinian hermeneutics hold a privileged place in adapting praxis and theory. Augustine, for instance, notes a difference in the Scriptures between the word 'world' used in a good way and a bad way (*in bono, in malo*).⁴⁶ This does not allude to a correct use of the term or otherwise, but to the concordance or contradiction between the 'world' and the divine message. The 'good' way, *in bono*, occurs in the case in which part of the 'world' is able to acknowledge the message proposed by the Saviour. The Bishop of Hippo Regio criticizes the Donatists because they do not understand this difference, and he makes clear that the world, *in malo*, among all peoples, consists of those who are tied to temporal things, whereas the world *in bono*, comprises the faithful who believe in an eternal life (*Gesta*, III, 272, 14–20). In this way, it was natural for Augustine to jump to the idea of a church in the world with these characteristics. The 'world' *in bono* is by the side of those who hold that belief, and that is the 'temporal' church, of here and now. In it, good and bad live together and will be separated at the end of the world.⁴⁷

It can now be seen more clearly why the separation of the *causa ecclesiae* and the *causa Caeciliani* maintained by the judge Marcellinus in his organization of the discussion at the conference, in reality involved putting into practice a way of thought which was very different from the Donatists' intellectual position. The Donatist refusal to deal with the matters at hand starting from these foundations was not in itself a delaying tactic, but the desire to gain control over the mechanisms of rhetoric. For Augustine, the 'world' is the church, and what has not been included in its structure soon will be. This all-encompassing idea was the precursor of the role that the church would acquire in medieval society and which the bishop foresaw with clarity. The Catholic Church, 'universal' (according to the bishop's criterion) because of its diffusion in the 'world', is the fulfilled expression of the evangelists' prophecies. All those who keep the faith, all those who accept the divine message, make up the world *in bono*. At the time of the Last Judgement, only the church will be saved and it will be formed by that part of

the world. However, its all-encompassing message is explained by understanding that the world will be equal to the church because it is the church's duty to save all those who are unable to accept the message, even against their will. The power of coercion of the state in the service of the Catholic Church enables this task to be fulfilled and that is how the Catholics' policy regarding the Donatists was finally expressed – by solving the conflict with violence.

If the Donatists had been able to choose, they would surely not have attended a conference whose result had been foretold in the Imperial rescript which convened it, but they had no choice: their absence would have condemned them out of hand.⁴⁸ The effectiveness of the legal procedures they used to defend themselves cannot be analysed if this is not taken into account. The Donatists cannot have failed to realize this, otherwise they would have been incompetent, if not stupid, which they certainly were not. The Donatists attempted to force the discussion about the legal form of the meeting to the limit, knowing that it was a task doomed to failure. Perhaps they thought that, like at other times, they should wait until the political situation changed. In the final analysis, their defensive strategy attempted to demonstrate, not the justice of a result as to where the 'true' church lay, but rather the injustice of the procedure as they understood the situation.⁴⁹ Emeritus firmly believed this several years later. When Augustine held a public meeting with him and rebuked him, asking him why he had not joined the Catholic Church, he replied: 'The proceedings show whether I was defeated or I won, whether I was defeated by the truth or oppressed by force'.⁵⁰

We might consider why the Catholics organized the conference in this curious way, without accepting the role of legal plaintiffs which would have forced them to make a formal accusation. What could they gain with such a strategy? Until then, the Donatists had lost all the legal cases brought before the state from the government of Constantine I onwards, but this had not solved a confrontation which depended not only on legal and theological aspects. However, these two aspects were key points to justify repression before the mass of Christians, especially the Donatists. It is likely that the main purpose of the conference was to put this justification in front of the African people (*populus*), and that its aim was totally propagandistic.⁵¹ The process was purposely designed to have a legal register of the authenticity of the participants in order to avoid any possibility of the Donatists claiming malpractice and to guarantee publication of the proceedings on posters exhibited in public places, especially in the main buildings of both churches.⁵² All the participants clearly understood this part of the debate. Honorius accepted it when he expressed the need for the conference to come to a rapid end to give an impulse to the conversion of the population.⁵³ Marcellinus proclaimed it in his first edict when he took on the responsibility of disseminating the sentence so that, by making it public, it could be pondered by all the people of Carthage.⁵⁴ Petilianus turned to Marcellinus and told him: 'We have responsibilities in the face of the public. You also have wanted to take the public into account by making them the judge of your decision'.⁵⁵ The mandate of the Donatists, read on the third day, asked the judge to be fair in his actions, 'above all because, in your edicts, you invite the public to judge the fairness of your tribunal'.⁵⁶ On a legal level, the diffusion of the process meant that the previous legal requests which favoured the Catholics were made known.⁵⁷ During the discussions on the third day, Augustine noted that 'if we have pleaded for this conference, it is not to examine that case

of *traditio* with which they reproach Caecilianus and his colleagues and to put an end to it once more, but to prove that it was over a long time ago, to show the population who do not know it and are moved by the accusations, so that they know in which church they will find the way to Christian salvation'.⁵⁸

Although it was not certain that those matters would be dealt with, it is obvious that the Catholics tried to base their arguments on legal rulings against the schismatics. The Donatist bishops in their turn did not openly acknowledge that they had lost those cases. Therefore, in the eyes of the Catholics demonstrating that Caecilianus's ordination had been legitimate justified bringing the situation back to its starting point. The proceedings of the trial against Felix de Abthugni for consecrating Caecilianus, showed that he had been found not guilty of *traditio* – the accusation that the Donatists had brought against him before the emperor. As this was recorded in the proceedings of the conference, the Donatists could not fail to know these facts. The result of this part of the conference was guaranteed, because the Catholics could offer proof. To do this, they had prepared a portfolio with all the documents needed to support their statements.⁵⁹

On the theological level, the confrontation was expressed in a different way, the aim being to justify the positions of both churches from a reading of the Scriptures. According to the interpretation made of the key biblical texts, it would be possible to decide which was the 'true' church. This involved the main participants in the trial bringing the positions they had long maintained in their writings into the courtroom. To judge one or other position as true depended more on the side taken in advance than a truly rational exposition. In this respect, Augustine's position is in some ways ingenuous because the Donatist ecclesiastic hierarchy would never acknowledge their positions were incorrect, as they based themselves on different starting point to justify their existence as a church.⁶⁰ However, the propaganda effect on the African *populus* might have had positive consequences for the Catholics.

If we pass over the discussion about Caecilianus's actions starting the schism, and concentrate instead on the 'ecclesiological' aspects of the confrontation, it is clear that the Donatist interpretation of the biblical texts was as valid as the Catholic one. Naturally there is no judge capable of distinguishing which of the two is a more finished product of hermeneutics. Therefore, the 'theological' dispute about which of the two interpretations is correct cannot be solved except by force. If the 'Caecilianus affair' had not triggered the schism, probably there would have been another event, capable of crystallizing the sense or interpretation which had been present in African Christianity for some time. This 'crystallization of sense' went against some of the criteria that had been gaining influence in overseas Christianity during the fourth century and which had been accepted by the 'Caecilianist' faction and its heirs.

It is plausible to imagine that Augustine conceived some of his greatest ideas about the concept of 'Church' and, above all, the separation he makes between the 'present Church' and the 'future Church', by using the Donatist position as his point of comparison. His success as a theologian probably explains his difficulty, and also that of the African Catholic Church, in imposing certain ideas that were difficult to implement in everyday praxis. Caecilianus's case, over and above the truth or falsity of the accusation made against him, is an example. The Donatist view did not allow the presence of a sinner as a minister of the church because it held

that his impurity was transmitted to the faithful. It is logical to deduce this idea from the parable of the good shepherd. Where would someone who is already lost lead his flock? This is a simple idea and easily understood, even by a rustic peasant on the hills of Numidia. The doctrine formulated by Augustine was frankly more complex and the range of propaganda wielded at the conference would be able to help question a message whose permanence is perhaps rooted in its simplicity.

Notes

- 1 Unless stated otherwise, all the dates are AD.
- 2 Some parts have been studied in García Mac Gaw (2009).
- 3 The *CT* Laws 16.5.37–9 and 16.6.3–5 (405), 16.5.401 (407), 16.5.44–5 (408), and 16.5.51 (410), as well as the *Constitutiones Sirmondianae* 12 (407), and 14 (409), clearly attest to this process. See this evolution in Monceaux (1912: 68–82), Frend (1952: 244–74) and Lancel (1972: 13–24).
- 4 Monceaux (1912: 68–83), Frend (1952: 227–9), Lancel (1972: 13).
- 5 Monachino (1964), Pietri (1976: 1151–77), García Mac Gaw (2008: 225–9).
- 6 Unless otherwise stated, this numbering refers to the *Actes de la Conférence de Carthage en 411 (Gesta Conlationis Carthaginensis)*, Sources Chrétiennes, vols 195 and 224, Paris, 1972–5.
- 7 For baptism and the Circumcellions, see García Mac Gaw (2008), especially 15–28 for the latter topic.
- 8 See Monceaux (1912: 285), also Aug., *Ep.* 88.10, and *Brev. Conl.* 3.4.4. In the proceedings in 411 (*Gesta*, III, 129), the Donatists denied having requested that conference, but they energetically opposed the reading of the *gesta* of 406.
- 9 Zos., 5.32–4. Zosimus follows a source who is favourable to Stilicho and very critical of Olympius, who is identified with Olympiodorus. On the latter, see Matthews (1970), Blockley (2009 [1981]: I, 27–47).
- 10 *Ep.* 97. Cf. Monceaux (1912: 381).
- 11 Martroye (1913: 120), Monceaux (1912: 381), Frend (1952: 269–70), Maier (1989: 158), Lancel (1999: 414). Cf. August., *Ep.* 105.6. It is paradoxical that Stilicho was disliked by both groups. The Catholics saw the emperor as the architect of the repressive policy, accepted unwillingly by Stilicho, whereas the Donatists thought that Honorius had allowed his minister to impose the policy of repression against his wishes. The Catholics' position agrees with the view of Stilicho as a philo-pagan, as Orosius later explains; cf. Modéran (1989: 823 et seq.) and Frend (1989). Cracco Ruggini (1968) says it is possible to reconstruct the appearance of the Catholic senatorial element that was hostile to Stilicho's philo-Germanic policy.
- 12 August., *Ep.* 90 and 91. Frend (1952: 269), see especially Hermanowicz (2004).
- 13 *CT* 16.5.44 and 45. August., in the *Ep.* 100, sent to the proconsul Donatus, asking him to

relax the measures against the Donatists.

- 14 *Const. Sirm.* 14, in *CT*, T. Mommsen (ed.), 1954: 2nd edn, Berlin. Cf. Martroye (1913: 122–5); also Maier (1989: 162, n. 8). A new law was issued in June to complement the previous one, *CT* 16.5.47.
- 15 Blockley (1998: 125–8). For anti-Germanism and Olympius, cf. García Mac Gaw (2008: 185–6, 212–13).
- 16 From 408 until the arrival of Constantius in 411, policies towards the Germans varied from barbarophobia to conciliatory moves, cf. Matthews (1975: 302).
- 17 Zos., 5.46.4. The text of the law is not extant, cf. Aug., *Ep.* 108.6.19, Lancel (1972: 22–3), and especially de Veer (1966).
- 18 *CT* 16.5.51. For the surprising date of its issue, see Monceaux (1912: 392), Crespín (1965: 79), Lancel (1972: 27, n. 3), Pietri (1976: 1171), and Maier (1989, II: 172, n. 11).
- 19 *Gesta*, I, 4; text sent to the tribune and notary F. Marcellinus, the judge at the conference, cf. Lancel (1972: 26) on the terminology used to name this decree.
- 20 *Gesta*, I, 4, 9–12: . . . *Africam, hoc est regni nostri maximam partem et secularibus officiis fideliter servientem* . . .
- 21 Aug., *Ep.* 125 and 126. Cf. Lancel (1999: 439–42).
- 22 *Gesta*, I, 4, 10: . . . *uel terrore uel monitu* . . . ‘Terror’ refers to certain measures of physical repression. *Gesta* I, 4, 12: . . . *qui Africam [. . .] uano errore et dissensione superflua decolorant*.
- 23 This is an edict from 410, see above n. 21. *Gesta*, I, 4, 17: . . . *sermo caelestis oraculo*; *Gesta*, I, 4, 54: . . . *nouella subreptione submota*; cf. Lancel (1972: 566, n. 3), de Veer (1966: 193–4).
- 24 *Gesta*, I, 4, 21: . . . *ne qua superstitionibus praestaretur occasio*; *ibid.*, 17: . . . *quem errori suo posse proficere scaeuia donatistarum interpretatio profitetur*; *ibid.*, 24: . . . *ne in diuinum cultum nobis se quisquam auctoribus aestimet posse pecare*.
- 25 *Gesta*, I, 4, 25–8: *Et quamuis una sit omnium et manifesta sententia catholicae legis plenam ueritatem recto hominum cultu et caelesti sententia conprobatam*. [. . .] 32: . . . *habitis disputationibus, superstitionem ratio manifesta confutet*.
- 26 cf. Monceaux (1912: 392–3), Lancel (1972: 29–30), and Hermanowicz (2008: 196–8).
- 27 In general, see Hermanowicz (2008), who stresses the central role of the knowledge and practice of law held by both the Catholic and Donatist bishops.
- 28 For the judge and his relationship with the Court and the Catholics, see Frend (1952: 275) and Lancel (1972: 61–5).
- 29 The imperial command was added to by the judge’s edicts which defined some of the formal aspects of the conference and which were also included in the proceedings, *Gesta* I, 5 and 10. For the legal aspect of the edicts, see Lancel (1972: 66–8), Tilley (1991: 11) and Hermanowicz (2008: 197) with the bibliography in n. 41.
- 30 Lancel (1972: 66–89), Tilley (1991: 10–14), Hermanowicz (2008: 200–12).
- 31 *Gesta*, III, 39; 43; 46; 49; 52; 56.
- 32 As Marcellinus’ edict points out, *Gesta*, I, 10, 13–15: . . . *ut ante cognoscant non amplius quam septenos ambarum episcopos partium mutuae inter se disceptationis habituros esse conloquium*.

- 33 *Gesta*, I, 59–61. This also opened a discussion about the respective episcopal assignments in the sees: cf. Petilianus' speech in *Gesta*, I, 65.
- 34 As Emeritus states, *Gesta*, I, 20: *Acta est, ut arbitrator, causa et adhuc conflictantium non est statuta persona*; cf. III, 15; 200.
- 35 The judge expressly states that the requirements were not attached in the case of the pragmatic rescripts, *Gesta*, III, 38: . . . *pragmaticis rescriptis preces inseri non solere*.
- 36 *Gesta*, I, 36: *Interloquutione mea non ius cessare debere, sed forensem contentionem, apertissime definiui*, *ibid.*, I, 54.
- 37 Expressed in the long *mandatum* inserted in the proceedings, *Gesta*, I, 55, 186: . . . *ut primitus ecclesiae causam a causa quorundam hominum distinguant atque discernant*.
- 38 Lancel (1972: 74), cf. Frend (1952: 279).
- 39 This is connected with the origins of the schism and the accusation of *traditor* that some factions of the African Church had brought against the recently ordained Bishop of Carthage Caecilianus in 311/2: cf. Monceaux (1912: 8–25), Frend (1952: 14–21).
- 40 The discussion about the *causa ecclesiae* was opened later in the conference with a speech by Augustine, *Gesta*, III, 272, 5.
- 41 *Cant.* 4.12–13. *Cyp.*, *Ep.* 69, 74.9 et sq.
- 42 See this *in extenso* in García Mac Gaw (2008: 279–99).
- 43 *Gesta*, III, 258, 62; which cites *Mat.* 13.37–9 (*ager autem est hic mundus*), to point out that, *ibid.*, 66: *Ager, inquit, est mundus. Non ergo ecclesia, sed mundus in quo boni simul et mali usque messem, id est usque ad diuinum iudicium reseruantur*. See also the Donatists' mandate (*Gesta*, III, 258) and Emeritus' speech, *ibid.*, 266, with citations from the scriptures. As Tilley (1991: 14), correctly points out 'they saw the Church not so much as a hypostatized institution, as Augustine did, but as the people who professed Christianity'.
- 44 Emeritus connects Caecilianus's case with the 'proof' in the scriptures. Based on interpretations of the biblical texts, the bishop explains the Donatist position about the reach of the actions of the ministers of the church: 'We say, indeed, with numerous texts of the Law, that the faults of the priests, their dishonourable attitudes, their guilty behaviour, always bring spots or wrinkles to the Church', *Gesta*, III, 249, 6: *Dicimus etenim multis legalibus documentis sacerdotum uitia ac probrosos mores et nefariam conuersationem maculam aut rugam ecclesiae semper inferre. Unde enim est quod apostolus ait: 'Non habente maculam neque rugam', et iterum: 'Oportet episcopum inreprehensibilem esse'*. He is referring to *Eph.* 5.27 and *I Tim.* 3.2.
- 45 See also the second Donatist *mandatum*, *Gesta*, III, 258, 57 et seq.
- 46 *Gesta*, III, 272, 6: *ipsis admonentibus inuenimus in scripturis mundi nomen in malo, mundi nomen in bono. Nam mundi nomen in malo, sicut ipsi dixerunt: 'Et mundus eum non cognouit' (Jn 17, 25), et: 'Si quis dilexerit mundum, non est caritas patris in illo' (I Jn 2, 15), et cetera. Mundi autem nomen in bono: 'Ut credat mundus quoniam tu me misisti' (Jn 17, 21) ; non enim credere malorum est. Mundi nomen in bono : 'Non uenit ut iudicet mundum, sed ut saluetur mundus per ipsum' (Jn 3, 17); non saluabitur nisi ecclesia in mundo. The first two examples show the contradiction: 'the world hath **not** known thee', and 'If any man love the world, the love of the Father is **not** in him'. On the*

contrary, *in bono*, means agreement: ‘that the world may believe that thou hast sent me’, and adds ‘believing is not a deed of the evil’, or ‘he did not come to condemn the world, but that the world through him might be saved’, and the positive explanation is that ‘only the Church will be saved in the world’.

- 47 These ideas are developed in the Catholic *mandatum*, where Augustine’s influence can clearly be seen; *Gesta*, I, 55, 187 et seq.
- 48 *Gesta*, I, 4, 40. See notes 30 and 31 above.
- 49 Cf. Hermanowicz (2008: 203).
- 50 Aug., *Gesta cum Emerito*, 3: *at si nosti aduersus te uictricem fuisse ueritatem, quid adhuc respuis unitatem? Emeritus episcopus partis Donati dixit: Gesta indicant si uictus sum aut uici, si ueritate uictus sum aut potestate oppressus sum.*
- 51 On the role of the *plebs* and the *populus* in connection with the church, cf. Evers (2010).
- 52 An army of shorthand writers wrote down the speeches which were then copied out, checked, validated (*sceda subscripta et emendata*) and then copied into the final proceedings (*ultima impressio sigillorum*) which were filed in the offices of the proconsul of Africa. For the process of the drafting, see Lancel (1972: 346–53).
- 53 *Gesta*, I, 4, 35: . . . *ut conuersos animos populorum etiam nostra clementia, sicut desiderat, celerius possit cognoscere.*
- 54 *Gesta*, I, 10, 61: *A me uero ita per omnia promulganda sententia est ut in publicam dimissa notitiam, toto splendidae Carthagini populo iudice ponderetur.*
- 55 *Gesta*, III, 135: *Res enim nobis cum populo est; tu quoque cum populo uoluisti habere rationem, qui de iudicio tuo uoluisti iudicari.*
- 56 *Gesta*, III, 258, 10: . . . *maxime cum populos edictis inuites de audientiae tuae libramine iudicare.*
- 57 See Aug., *Ep.* 88.10.
- 58 *Gesta*, III, 187: *Unde nunc conlationem istam poposcimus non ut illam causam traditionis quam Caeciliano et eius collegis obiciebant suscipiamus denuo finiendam, sed demonstremus olim esse finitam, ut hoc cognoscentes populi qui nesciunt et istorum adhuc criminationibus commouentur tandem aliquando cognoscant in qua ecclesia christianae salutis uiam requirant.*
- 59 Thus, Augustine has the documentary proof brought by the Catholics read out in *Gesta*, III, 215: *Incipit relatio Anulini proconsulis, ubi ostendit donatistas Caeciliani causam ad imperatorem Constantinum detulisse* (‘The beginning of the account of the proconsul Anulinus which states that the Donatists have deferred Caecilianus’ case to the Emperor Constantine’).
- 60 ‘Une fois constituée en tant qu’organisation assujettie à ses propres normes de gestion et de reproduction de ses structures, je crois que l’Église donatiste ne pouvait revenir sur ses pas. Cela signifie que la logique même de son existence visait la reproduction, d’autant plus que cette existence confirmait des normes hiérarchiques d’organisation qui se manifestaient sous forme de mécanismes concrets de pouvoir à partir de la gestion religieuse’: García Mac Gaw (2008: 299).

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Pacifiers and Instigators – Bishops and Interreligious Conflicts in Late Antiquity

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In this essay I discuss the dual role of bishops in religious conflicts between Christians and pagans in the late fourth and early fifth century – both as instigators who incited people to act against polytheistic cults and shrines and as pacifiers who calmed people down in religious disturbances. Bishops and church councils marketed their views of religious unity at the imperial courts. Several ecclesiastical leaders attempted to influence local landowners to see to the annihilation of polytheistic shrines on their estates. Some bishops even organized assaults against rival cult places. Nevertheless, in conflicts that repeatedly arose in the urban public space between polytheists and Christians, bishops tried to calm situations that seemed likely to get out of hand. In these disturbances, ecclesiastical leaders attempted to keep the actions of the people under their control, balancing between the religious zeal of hard-line Christians and the limits of legality in regard to private property.

Bishops as instigators

We know a number of cases in which bishops were involved in instigating and organizing attacks against polytheistic cult places. The most notorious case was the destruction of the Serapeion that was masterminded by Theophilus, the Bishop of Alexandria, in 391.¹ Another was the demolition of the Marneion prompted by Porphyry, the Bishop of Gaza, probably in the early fifth century.²

The destruction of the Serapeion in particular soon became the paradigmatic example of the destruction of paganism in Late Antique Christian historiography and in modern accounts as well. Nonetheless, we should not overestimate the number of destructions as the editors of the recent volume *From Temple to Church* appositely warn us. Some accounts of destructions of local shrines mentioned in church histories have been questioned; especially the completeness of the destructions has raised several doubts. It is obvious that temple destructions functioned as important symbols of change in the balance of power in the local relationships between religious groups.³ They were the way to show that Christians held the upper hand now – whether that was true or not in the particular circumstances on the local level.

The secular administration typically did not start the coercion of polytheists. Instead, it was bishops who instigated the measures against polytheists and heretics.⁴ Nevertheless, bishops

usually assured imperial approval before they proceeded. For instance, John Chrysostom organized attacks against pagan shrines by bands of monks in Phoenicia. According to Theodoret of Cyrrhus (*Church History* 5.29), John had imperial authorization for the attacks.⁵

The destruction of the Serapeion and a number of other devastations indicate that there were from time to time local bishops or other spiritual leaders who were acting as organizers of what at first sight might seem a spontaneous uprising. Bishops were powerful figures, who, with inspiring preaching, were able to steer crowds.⁶ However, it seems that more important than crowds were small but efficient ‘professional’ groups who acted under the command of local bishops. In our sources, in a number of confrontations between various religious groups, there appear groups that owed allegiance to the local bishop. For instance, Theophilus of Alexandria made use of monks in the attack against the Serapeion.⁷

The ‘professionals’ of local bishops were not the only ‘commandos’ but local men of distinction also had their ‘storm troops’, consisting of their clients. This was nothing new in Roman society for, as is well known, powerful Roman patrons were able to gather armed forces solely from their clients and the clients of their clients.⁸ The relationship between a bishop as a patron and his parishioners as his clients was one variation of the client system.⁹

The disturbances involving polytheists and Christians in connection with the festivities in honour of Flora in Calama in 408 show the continuing significance of the client system in Late Antiquity. From Augustine’s correspondence we find out that, in the aftermath of the conflict, Nectarius, a local aristocrat, requested Augustine to use his authority to diminish the punishments to be inflicted on polytheist rioters (Aug., *Letters* 90–1).¹⁰ The fact that Nectarius acted as a middleman between the parties implies that the polytheist rioters were Nectarius’ clients. It is possible that both the bishop’s clients and the clients of the local polytheist landowners were involved in the riot.¹¹ The polytheist rioters obviously had the support of the local elite; otherwise they would not have got away with being so lightly punished.¹²

The dual role: Instigating and pacifying

We shall now turn to a sermon of Augustine that illustrates the dual role of bishops in religious conflicts in the late fourth and early fifth century. On the one hand, bishops urged people to – first and foremost – abandon polytheistic practices and – second – act against polytheistic cult places. On the other hand, at the same time they had to moderate these actions and carefully keep them in check. These moderating compromises were dictated by the needs of everyday reality such as the limits of legality with regard to private property.

In 401 in Carthage, Augustine of Hippo gave a sermon (*Sermon* 24) in which he took a stand on the disturbances that had arisen between the Christian and polytheist population of the city. The conflict had been exacerbated into an attack by Christians against the cult statue of Hercules whose gilded beard Christians had shaved off. This sparked the polytheists into rioting against Christians.¹³ In the midst of the turmoil, Augustine tried to draw a balance between the eager actions of Carthaginian Christians and the more restrained tactics of the

ecclesiastical authorities. Thus his sermon is something between an agitating speech of an instigator and a speech meant to pacify and control. It is an excellent piece of oratory in which the bishop shows mastery of psychology. He both excites and soothes his audience.

Augustine (*Sermon* 24.6) tells us that the Christian crowd in Carthage has cried out slogans against polytheist practices, the ‘superstitions of demons’ (*superstitiones daemonum*). They have shouted out that the Roman gods should be smashed in Carthage as they were already being destroyed in Rome: ‘As Rome, so also Carthage!’ (*Quomodo Roma, sic et Carthago!*). Augustine follows the line with a (rhetorical) question: ‘If a thing has already happened in the head, should not the limbs follow?’ (*Si in capite gentium res praecessit, membra non sunt secutura?*).

Augustine (*Sermon* 24.5) also thanks and commends the ‘sacred zeal’ of the Carthaginian Christians. But then he reminds his listeners that they are the people of God and his sheep, and thus they have their shepherds (*pastores*) – that is, the bishop and priests. What they want is the same as their shepherd wants. Their *voluntas agendi*, the will to act is the same: *una est et nostra et vestra*. Augustine, however, stresses that the *voluntas agendi* cannot be the same as the *modus agendi*, the way of taking action. Here Augustine stresses the importance of unity and obedience, emphasizing that his congregation – *fratres* as he addresses them – must remain subservient to their bishop and priests and not act against polytheistic cults until they are ordered to do so. The Christian people and the bishop share the same will to act but the mode of action is decided by the bishop.

Augustine is forced to defend the tardiness and feebleness of the ecclesiastical authorities in the eyes of the Christian militants concerning their demands. He (*Sermon* 24.6) tries to reassure his listeners that God wants, God has decreed, God has predicted and God has already started to fulfil the destruction of all pagan superstition – and in many places for the most part already achieved it.

In the background of Augustine’s *Sermon* 24 were the repressive measures against polytheists taken by imperial and local authorities in North Africa in 399–401.¹⁴ For example, a special delegation led by the imperial magistrates Iovius and Gaudentius was sent to supervise the closure of temples in Carthage in 399 (Aug., *City of God* 18.54).¹⁵ Augustine took a stand in favour of the suppression of polytheistic cults, as *Sermon* 24 and his other texts show. Nonetheless, the situation was not that straightforward as the very same sermon indicates. From the point of view of the most fervent Christians, ecclesiastical leaders delayed taking proper action against polytheistic cults. Augustine was forced to use all his diplomatic skill when replying to the hard-liners, trying not to blame them for carrying things to excess but still attempting to warn against using violence and then assuring them that all pagan superstition will be destroyed according to God’s prediction in due course. He pleases his audience, turning to ridicule Roman gods, particularly Hercules, whose statue had been under attack.

Incidents and admonitions similar to those in *Sermon* 24 reappear in Augustine’s other sermons. Christian crowds were too impatient and their fervour had to be kept within the limits of legality.¹⁶ Ecclesiastical leaders found themselves in an uncomfortable situation between the zeal of militant Christians and the confines of legality. Bishops could be held responsible if the crowds rioted and destroyed private property. Therefore, it was in the bishops’ interest to proceed against polytheistic cults with the support of imperial decrees and with the backup of

imperial and local (i.e. secular) authorities.

Lobbying for stricter measures

In order to get legal backup, bishops and church councils were keen to lobby at the imperial courts and influence the imperial administration to take stricter measures against polytheistic cults and practices. The imperial legislation on this matter was accomplished in a complicated process of decision-making in which bishops, among others, were involved as a pressure group. For example, Theodosius I enacted in his edicts against heretics of 380–1 the same things that church leaders and councils had already decided on.¹⁷

In 401 the council of Carthage requested the emperors to proceed towards harsher legislation against the ‘remnants of idols’ (*reliquiae idolorum*) that should ‘be eliminated thoroughly all over Africa’ (*ut reliquias idolorum per omnem Africam iubeant penitus amputari*). These demands of the bishops are called *necessitates*, necessary things, that are requested from the emperors. The council states that in many places the iniquity of pagan error is still vigorous. The emperors should order the temples even in the countryside and remote districts to be destroyed in every manner.¹⁸ Another example of lobbying is a letter (*Letter* 95.1–3) sent by Augustine to Paulinus of Nola in 408/9. Augustine sent his letter along with his messenger, Possidius, who on the same journey travelled to the imperial court to ask for more laws against heretics and polytheists. Augustine writes, ‘we are obliged to help the weak in their languor’.¹⁹

In addition to lobbying at courts, Augustine was ready to use his connections with secular authorities, for instance, with *magister officiorum* Olympius (*Letters* 96–7) and *comes* Marcellinus (*Letter* 133), as his correspondence with these magistrates indicates.²⁰ In 414 Augustine, for instance, wrote to Macedonius, the proconsul of Africa (*Letter* 155.3.10), and advised him to keep guard that the true God was worshipped within the territory under his jurisdiction. He (*Letter* 185.1) also stressed to Bonifatius, an imperial administrator, that it was a part of his military virtue to serve the faith: in practice this meant the ‘correction’ of the Donatists either through teaching or with threatening laws.²¹

Lobbying could include gifts to the influential persons at the imperial courts. Rival groups accused each other of exceeding the bounds of propriety in their attempts to influence the secular authorities. For instance, Augustine’s opponent, Julian of Aeclanum, accused him of greasing the imperial court at Ravenna against the Pelagians: Julian inquired who paid for the 80 or more horses that were shipped from Africa to Ravenna.²² We need to be on guard with the polemical rhetoric of opposing groups.

However, we know from other less polemical sources that the mightiest episcopal sees, for instance, Alexandria, had the means to provide strategic gifts to the key persons at the imperial courts. For example, Cyril of Alexandria gave great largesse to the Most Magnificent Chamberlain, the eunuch Chryseros and other VIPs at the Constantinopolitan court.²³ Cyril acted completely in line with the rest of Late Antique society in which administration for the most part was based on the routine of gifts – in modern terms, corruption. Thus, bishops, when

greasing the wheels of administration, were no better or worse than their contemporaries.²⁴ The depiction of Porphyry, the Bishop of Gaza, actively advocating for the devastation of the Marneion fits in this picture of lobbying at the court. Porphyry is said to have sent several embassies to the Constantinopolitan court and even visited the court himself in order to persuade the emperor to let the idols and temples be destroyed. In the imperial decision-making, the emperor was reached through the Bishop of Constantinople, the courtiers such as chamberlains and finally the imperial women.²⁵

Disturbances and the issue of legality

Towards the end of the fourth and the beginning of the fifth century, we can observe relations between Christians and polytheists becoming more aggravated in North Africa as well as others of parts of the Roman Empire. There were riots between polytheists and Christians, both disturbing each other's festivities and devastating each other's holy places. Bishops and councils demanded stricter measures whereas imperial legislation manifested harsher attitudes towards polytheistic practices.²⁶ Now, it is not always clear which is the cause and which the consequence. The imperial administration reacted to riots and responded to the requests of bishops and councils. Riots could arise from the disempowered position of polytheists as a reaction to the harsh imperial legislation.²⁷ Bishops could follow the trend set out by the imperial administration but they also influenced the imperial decision-making and public opinion.²⁸

In those disturbances that usually arose in the urban public space when the celebrations and processions of neighbouring religious groups coincided, Christians could by and large count on the support of the imperial administration even though not always the individual local magistrates. In the post-Constantinian circumstances, enhanced by imperial legislation, especially after the Theodosian legislation in November 392,²⁹ Christians could perceive themselves as the upholders of law and order.³⁰

The fact that Christians had the law on their side is manifested by Augustine. In a psalm tractate (*Enarratio in psalmum* 32.2.10), he rejoices at the imperial legislation that has brought pagans under control. He says, pagans dare no longer rage in public against the Christians, they only murmur in secret (*in Christianos saevire non audit, occultum autem murmur rodit in se*). He repeats, previously they raged in public, now in secret (*Sed quod tunc aperte saeviebat, nunc occulte*). He assures his congregation that the church was able to go forward since 'the path is opened and the emperor protects our streets' (*Eat ergo ecclesia, ambulet: facta est via, strata nostra ab imperatore munita est*). Now, here Augustine's triumphalism can be interpreted as both a concrete reference to the streets in the city where religious groups contested for the urban space, and a more abstract progress of the church.

All this sounds triumphalistic, however, we should note that Augustine's triumphalism is at the same time self-assuring and apologetic.³¹ In the socio-religious dynamics of the North African communities, the influence of both the imperial decrees and the measures of ecclesiastical leaders was limited. This is attested by numerous complaints in imperial

legislation, repetition of the same prohibitions and the complaints in the sermons of bishops. On the local level of rural and urban communities, depending on the district, polytheists could go on with their religious practices, the festivities continued and shrines stayed open, especially when they had support from the local landowning elite.

Landowners and the limits of episcopal power

The authority of bishops was not self-evident and the workings of episcopal power were by no means as clear-cut as triumphalistic narratives tend to depict them. In recent research, it has been suggested that bishops were weaker figures and their episcopal power was not as great as had previously been estimated.³²

There were potent figures such as Theophilus of Alexandria and Ambrose of Milan – at least during his later years as the Bishop of Milan – who gradually built their often personal episcopal authority, but even these powerful bishops had to strike a balance between different parties and forces – the imperial administration, local secular administration, landowners, competing ecclesiastical leaders, competing Christian groups, ascetic movements and peasants, Christians and polytheists alike.

Local landowners seem to have played a pivotal role in the Christianization both in North Africa and elsewhere, for instance, Northern Italy. They were the group that bishops such as Augustine and Maximus of Turin repeatedly addressed in their sermons and letters, trying – often in vain – to influence them to close or destroy polytheistic shrines on their property and to control which religious practices were performed there. Thus, it was the local landowners who in practice decided whether imperial decrees forbidding polytheistic practices were really applied or not. Furthermore, it was specifically decreed that landowners should be compelled to destroy polytheistic cult places.³³

Augustine (*City of God* 19.16) announced that it was also the duty of Christian landowners to make the people in their domains Christians.³⁴ Maximus of Turin addressed the *divites* and *potentes* in his congregation, declaring that they should wipe out idolatrous practices on their estates. In one of his sermons (*Sermon* 107.2), he evokes the idea of pollution: idolatry contaminates the whole community: those who are involved in idolatry but also those who are aware of idolatry and who keep quiet.³⁵ Moreover, Maximus asserts that if a tenant performs sacrifices, the landlord is contaminated as well (*Immolante enim rustico inquinatur domnedius*).³⁶ He (*Sermon* 106.2) is particularly annoyed at Christian landlords who pretend not to know what their peasants have been performing on their property, saying: ‘I do not know, I have not commanded [them to do so]; this is not my fault, this is none of my business’ (*Nescio, non iussi; causa mea non est, non me tangit*).³⁷ Similarly, Gaudentius, the early fifth-century Bishop of Brescia in his tractates repeatedly urges his audience to keep away from the dangers of contagious idolatry.³⁸

The sermons of Maximus, Gaudentius and Augustine tried to make Christian landowners concerned about the traditional local rituals performed on their estates. It is obvious that, despite the imperial decrees against polytheistic practices, local shrines remained unharmed

and in use and private sacrifices were performed on private estates with the quiet approval of landowners, whether the landlords were polytheists or Christians. Both emperors and bishops attempted to put pressure on landowners as recurring imperial decrees and bishops' sermons show.³⁹

Private property

The issue of private property often comes forth in these sermons. We know of destructions of shrines either on private estates of Christian landowners⁴⁰ or places that had become church property. In one of his sermons (*Sermon* 308A = *Sermon* 1 Denis), Augustine mentions land called Mappalia that was situated near Cyprian's tomb in Carthage and that had recently become Christian property. Polytheistic altars and epitaphs were torn down in this area in order to purify the place for the Christian martyr cult of Cyprian. Now Christians have the licence to act against pagan things because, Augustine asserts, the land is now Christian property. But, he reminds his audience, people are not allowed to break onto polytheists' property to destroy pagan shrines. Furthermore, Augustine sets the destruction of paganism onto another level, the spiritual one. He announces that one must first make an end of the pagan beliefs in one's heart which is more difficult than destroying the external marks of a cult.

Similar emphasis on the interior conversion of an individual instead of the exterior one is found in Augustine's *Sermon* 62. He asserts (*Sermon* 62.11.17–12.18) that idols must be destroyed in pagans' hearts first and thereafter they would ask Christians to destroy their shrines or even do it themselves.⁴¹ Interestingly enough, the same strategy is not applicable in the case of Donatists, according to Augustine, who elsewhere insists that Donatists should first be driven in and then persuaded. Thus, for Donatists it is coercion first and persuasion thereafter.⁴²

In *Sermon* 62, Augustine had to make a statement regarding the riot that had arisen at the festival in honour of the *genius* of Carthage in 399. A number of Christians had participated in the festival – a festival that was important in the social fabric of urban life – and many Christians probably took part in festivals of this sort. Other, more enthusiastic, Christians, however, were against *their* participation and disturbances broke out. In this sermon, Augustine warns that Christians should not smash pagan idols if they are not authorized to do so by their ecclesiastical leaders. He comforts his enthusiastic and probably frustrated listeners that God will give pagan shrines over into the hands of Christians sooner or later. God has given them those shrines and idols that have already been destroyed, Augustine reminds them. The issue of legality is important for Augustine, who justifies his warning with Biblical passages from Deuteronomy (7.2 and 7.5). Christian were not allowed to break down idols and shrines on the private property of the polytheist landowners. 'You shall not do it, when it is not in your power' (*ne faciatis ista, quando in potestate vestra non est*). While showing appreciation for their enthusiasm, Augustine (*Sermon* 62.11.17) warns them not to be too impatient and advises them to wait for the right time to act.⁴³

Again, here we find the same balancing between appreciation and reproach, instigation and

moderation, as in Augustine's *Sermon* 24 discussed earlier. While trying to keep the excessive zeal in check and securing the inviolability of private property,⁴⁴ Augustine had to comfort the rigorists, assuring them that, despite all the delay caused by the issues of legality, the church was firmly advancing towards the final triumph.

A similar line of thought in regard to legality can be found in Emperor Julian's letter (*Letter* 60.379d–380a Bidez-Cumont = 21, Wright = 53 Weis). In this letter Julian rebukes the Alexandrians (whom he believes to be polytheists) who had lynched Bishop George of Alexandria in a riot. He makes it clear that George deserved to die. Julian admits that he would wish to praise the Alexandrians but he cannot because they have broken the law (*dia ten paranomian*). They should have allowed the authorities to punish the bishop – legally.⁴⁵ Thus, the zeal is praiseworthy and anger justified but the action wrong. Just as in Augustine's rebukes, the people lacked the licence to act.

Concluding remarks

I have discussed some cases of episcopal influence in interreligious conflicts. Each case is of course different and must be contextualized into its local sociopolitical circumstances. I have analysed the dual role of bishops both as instigators of violence against cult places and as pacifiers who calmed down crowds in some heated instances. Bishops also appear as a pressure group, usually at church councils, lobbying for stricter legislation against polytheists and rival Christian groups. In addition, bishops had, in their everyday practical authority to intervene in local politics, the means to control the purity of the Christian doctrine and to hamper polytheistic urban celebrations.⁴⁶

Bishops collectively as a pressure group could be influential. A number of bishops were very powerful, especially when the secular central administration failed. However, the episcopal power had its limits. In the recent research, the power of bishops has been seen as somewhat diminished. The most important limit to the episcopal power in the case of polytheistic continuity was not the imperial administration, but the local landowners. The landlords of private properties determined whether the polytheistic shrines were wiped out or not. This is why they are constantly appealed to in the sermons of bishops.

Notes

- 1 For the destruction of the Serapeum, see Sozomen, *Church History* 7.15; Socrates, *Church History* 7.15; Rufinus, *Church History* 2.23; M. Vinzent (1998) 'Das "heidnische" Ägypten im 5. Jahrhundert', in J. van Oort and D. Wyrwa (eds) *Heiden und Christen im 5. Jahrhundert* (Leuven: Peeters): 44–5; A. Baldini (1985) 'Problemi della tradizione sulla "distruzione" del Serapeo di Alessandria', *Rivista Storica dell'Antichità* 15: 97–152; F.

- Thelamon (1981) *Païens et chrétiens au IV siècle. L'apport de l'Histoire Ecclésiastique de Rufin d'Aquilée* (Paris: Études Augustiniennes): 165–205; G. Fowden (1978) 'Bishops and Temples in the Eastern Roman Empire A.D. 320–435', *JThS* 29: 69–71.
- 2 The case of the temple of Marnas (Zeus Marnaios) is problematic. The intense lobbying campaign by Porphyry of Gaza in 395–402, leading to the destruction of the Marneion, is depicted in the *Life of Porphyry* by Marcus Diaconus. Diaconus claims to be the assistant of the bishop and an eyewitness to the events. However, the *Life of Porphyry*, at least in its extant Greek version, is probably from the sixth century or later. For the discussion of the dating of the *Life of Porphyry*, see H. Grégoire and M.-A. Kugener (1930) *Marc le diacre: Vie de Porphyre, évêque de Gaza* (Paris: Les belles lettres): vii–xxix; T. D. Barnes (2010) *Early Christian Hagiography and Roman History* (Tübingen: Mohr Siebeck): 260–83. The late dating of the work has led several scholars (A. Cameron (1987) 'Earthquake 400', *Chiron* 17: 355, n. 60; Barnes 2010, esp. 283; C. Rapp (2001) 'Mark the Deacon, Life of St. Porphyry of Gaza', in T. Head (ed.), *Medieval Hagiography: An Anthology* (New York: Routledge) 55) to dismiss the events described in it and consider the figure of Porphyry almost pure fiction; by contrast, a number of other scholars, for example, F. R. Trombley (1993) *Hellenic Religion and Christianization c. 370–529 I* (Leiden: Brill): 187–282 and J. Hahn (2004) *Gewalt und religiöser Konflikt. Studien zur Auseinandersetzungen zwischen Christen, Heiden und Juden im Osten des Römischen Reiches (von Konstantin bis Theodosius I)* (Berlin: Akademie Verlag): 202–9 have accepted the events as historical despite the problems of the source.
 - 3 S. Emmel, U. Gotter and J. Hahn (eds) (2008) 'Introduction', in *From Temple to Church. Destruction and Renewal of Local Cultic Topography in Late Antiquity* (Leiden: Brill): 1–22: 1–3.
 - 4 For example, Marcellus of Apamea, George of Alexandria, Mark of Arethusa and Eleusius of Cyzicus attacked local polytheistic cult places. Marcellus: Theodoret, *Church History* 5.21.1; 5.21.5–15. Mark: Gregory of Nazianzus, *Oration* 4.88–91; Sozomen, *Church History* 5.10.5–14; Theodoret, *Church History* 3.3; 3.7.10; Libanius, *Letter* 819.6. Eleusius: Sozomen, *Church History* 5.15.4–10. For these attacks against polytheistic cult places, see G. Fowden (1978) 58–60, 64–5, 75–6. The Isis temple of Menouthis was destroyed in 485: Zacharias of Mitylene, *Life of Severus* in M.-A. Kugener, ed. and tr. (1907) *Vie de Sévère par Zacharie le Scholastique*, *Patrologia Orientalis* 2.1 (Paris: Firmin-Didot): 29; see also D. Frankfurter (2008) 'Iconoclasm and Christianization in Late Antique Egypt: Christian Treatments of Space and Image', in S. Emmel, U. Gotter and J. Hahn (eds), *From Temple to Church. Destruction and Renewal of Local Cultic Topography in Late Antiquity* (Leiden: Brill): 135–59: 144–5. In northern Italy, Gaul and Belgium, Martin of Tours, Victricius of Rouen and Caesarius of Arles attacked traditional cult places in the countryside; for the sources, see J. Matthews (1975) *Western Aristocracies and Imperial Court AD 364–425* (Oxford: Clarendon Press): 156–7; M. R. Salzman (2006) 'Rethinking Pagan-Christian Violence', in H. A. Drake (ed.), *Violence in Late Antiquity. Perceptions and Practises* (Aldershot: Ashgate): 265–85: 279–82.
 - 5 Cf. the devastation of the Marneion depicted by Marcus Diaconus in which it was vital for Porphyry of Gaza to ensure imperial support in his action against the temple. See S.

- Bradbury (1994), 'Constantine and the Problem of Anti-Pagan Legislation in the Fourth Century', *CP* 89: 137 with other examples.
- 6 P. Brown (1992) *Power and Persuasion in Late Antiquity. Towards a Christian Empire* (Madison: University of Wisconsin Press): 85–95; R. Lizzi (1995) 'Discordia in urbe: pagani e cristiani in rivolta', in F. E. Consolino (ed.), *Pagani e cristiani da Giuliano l'Apostata al sacco di Roma* (Messina: Soveria Mannelli): 116.
 - 7 For professional groups, see N. McLynn (1992) 'Christian Controversy and Violence in the Fourth Century', *Kodai* 3: 15–44, repr. in N. McLynn (2009) *Christian Politics and Religious Culture in Late Antiquity* (Furnham Surrey: Ashgate Variorum): II: 36 (bishops relying on smaller groups rather than masses); R. Lizzi (1995), 140; G. Fowden (1978), 71, 67–8 (on the monks of Syria in attacks against polytheistic cult places and other interreligious conflicts).
 - 8 For the Roman patronage system, see R. P. Saller (1982) *Personal Patronage under the Early Empire* (Cambridge: Cambridge University Press) and R. P. Saller (2000) 'Status and Patronage', in A. K. Bowman, P. Garnsey and D. Rathbone (eds), *Cambridge Ancient History* 11 (Cambridge: Cambridge University Press): 817–54.
 - 9 R. Lizzi (1995): 116–18, 135 and Brown 1992, 85–95. C. Lepelley (1998) 'Le patronat episcopal aux IV^e et V^e siècles: continuités et ruptures avec le patronat classique', in É. Rebillard and C. Sotinel (eds), *L'évêque dans la cité du IV^e au V^e siècle. Image et autorité* (Rome: École française de Rome): 18–21, 32–3 also stresses the differences between the traditional Roman patronage and that of bishops.
 - 10 The disturbances arose when Christians attempted to prevent the celebrations in honour of Flora and polytheists responded by stoning the Christian Church on their way. Later the church was set on fire and one of the servants of the church was killed. The disturbance was probably connected with the oppressive religious legislation (*Theodosian Code* 16.5.43; 16.10.19).
 - 11 This is discernible in the possibility of changing capital punishment into mere fines; R. Lizzi (1995): 139–40 with further examples.
 - 12 M. R. Salzman (2006): 274–6 for the support of local elites in conflicts, for example, in the conflict in Sufes (Sufetula) and in Calama in which the leaders and civic authorities in the town turned a blind eye to the disturbance.
 - 13 For the background of *Sermon* 24, see D. Riggs (2006) 'Christianizing the Rural Communities of Late Roman Africa: A Process of Coercion or Persuasion', in H. A. Drake (ed.), *Violence in Late Antiquity. Perceptions and Practises* (Aldershot: Ashgate): 298–9; H. Chadwick (1985) 'Augustine on Pagans and Christians: Reflections on Religious and Social Change', in D. Beales and G. Best (eds), *History, Society and the Churches: Essays in Honour of Owen Chadwick* (Cambridge: Cambridge University Press): 12; R. A. Markus (1990) *The End of Ancient Christianity* (Cambridge: Cambridge University Press): 116–17.
 - 14 P. Brown (1963) 'Religious Coercion in the Late Roman Empire: The Case of North Africa', *History* 46, repr. in P. Brown (1972) *Religion and Society in the Age of Saint Augustine* (London: Faber & Faber): 302, states that Augustine's *Sermon* 24 indirectly incited the clashes between polytheists and Christians in Sufetula (Sufes) in 399 in which

60 Christians were killed. The riot broke out because the Christian crowd demolished a statue of Hercules (Aug., *Letter* 50).

- 15 D. Riggs (2006): 298 interprets Augustine's depiction (*City of God* 18.54) of the imperial suppression of polytheistic shrines in 399 as an exaggeration: imperial officials merely closed temples (e.g. instead of destroying them).
- 16 For example, Aug., *Sermon* 64.
- 17 For the connection of the imperial legislation and church councils, see D. Hunt (1993) 'Christianising the Roman Empire: The Evidence of the Code', in J. Harries and I. Wood (eds), *The Theodosian Code. Studies in the Imperial Law of Late Antiquity* (London: Duckworth): 149.
- 18 *Concilium Carthaginense* Canon 58 (in 401) (CCSL 149: 196): *De reliquis idolorum vel templis ab imperatoribus abolendis*; other demands, Canon 84 (205): *De idolorum reliquiis extirpandis*.
- 19 For Augustine's argumentation of religious coercion in this letter, see M. Kahlos (2009) *Forbearance and Compulsion: Rhetoric of Tolerance and Intolerance in Late Antiquity* (London: Duckworth): 120–1.
- 20 For Augustine's relations with Roman aristocrats and secular magistrates, see N. McLynn (1999) 'Augustine's Roman Empire', *AugSt* 30.2: 29–44.
- 21 Bonifatius was a *tribunus Africae*, later *comes Africae*. Augustine's letter is notorious for its justification of religious coercion: see M. Kahlos (2009): 111, 113.
- 22 Julian's attack is extant in Augustine's *Unfinished Work Against Julian* 1.42, 3.35. Julian of Aeclanum accuses Augustine of inciting persecution and Augustine denies the accusation.
- 23 The letter of Epiphanius, archdeacon and syncellus (deputy) of Cyril, to Maximian, the bishop of Constantinople; ACO 1.4: 222–4; tr. J. I. McEnerney (1985) *St. Cyril of Alexandria. Letters 51–110* (Washington: Catholic University of America Press): 188–92. See F. Millar (2006) *A Greek Roman Empire. Power and Belief under Theodosius II 408–450* (Berkeley: University of California Press): 219–20; J. A. McGuckin (1994) *St. Cyril of Alexandria, the Christological Controversy: Its History, Theology and Texts* (Leiden: Brill): 351, n. 8.
- 24 For the routine of gifts, see P. Garnsey and C. Humfress (2001) *The Evolution of the Late Antique World* (Cambridge: Orchard Academic): 47. See R. MacMullen (2006) *Voting About God in Early Church Councils* (New Haven: Yale University Press): 71 on ecclesiastical historians supplying the names involved in influencing the imperial actions.
- 25 Marcus Diaconus, *Life of Porphyry* 26–7, 33, 37–9, 41, 50–1. For the source problems of *Life of Porphyry*, see n. 2 above. For Porphyry of Gaza and the temples of Zeus Marnas, see N. Belayche (2001) *Iudaea-Palaestina: The Pagan Cults in Roman Palestine (Second to Fourth Century)* (Tübingen: Mohr Siebeck): 241–7; H. A. Drake (2000) *Constantine and the Bishops. The Politics of Intolerance* (Baltimore: John Hopkins University Press): 428–9; R. Van Dam (1985) 'From Paganism to Christianity at Late Antique Gaza', *Viator* 16: 1–20; and G. Fowden (1978): 73, 75.
- 26 For the destructions of polytheistic shrines, see M. Vinzent (1998): 48; G. Fowden (1978) and G. Fowden (1998), 'Polytheist Religion and Philosophy', in A. Cameron and P. Garnsey (eds), *CAH XIII, The Late Empire, A.D. 337–425* (Cambridge: Cambridge

University Press): 551.

- 27 M. R. Salzman (2006): 283 points out that the Christian sources on the conflicts between polytheists and Christians depict polytheists as initiators of violence against people.
- 28 For example, Late Antique legislation correlates with the perceptions of the ecclesiastical elite. Inquisitiveness, *curiositas*, mentioned in Emperor Constantius' decree in 357, was closely associated with interest in magic (*Theodosian Code* 9.16.4 in 357. See also *Theodosian Code* 9.16.12 (in 409) *de maleficis et mathematicis*. Augustine condemned *curiositas* as a vice and vanity and linked it with demonic divination and the art of magic, for example, *Divination of Demons* 3.7; *Sermon Dolbeau* 26.46, in F. Dolbeau (1996) *Saint Augustin. Vingt-six Sermons au Peuple de l'Afrique* (Paris: Études augustiniennes); *City of God* 10.9.
- 29 For a recent discussion on the Theodosian legislation against pagans in 391–2, see A. Cameron (2011) *The Last Pagans of Rome* (New York: Oxford University Press): 61–4.
- 30 See M. R. Salzman (2006): 283 on the reality that the post-Constantinian laws increasingly favoured Christians and restricted pagans; see G. Fowden (1978): 53–78 on the manner in which the ecclesiastical leaders collaborated with the secular authorities in the attack on the polytheistic temples and their cults.
- 31 This is also pointed out by D. Riggs (2006): 305, who regards Augustine's preaching as persuasive and apologetic.
- 32 For the limits of episcopal power, see C. Sotinel (1998) 'Le personnel épiscopal. Enquête sur la puissance de l'évêque dans la cité', in É. Rebillard and C. Sotinel (eds), *L'évêque dans la cité du IV^e au V^e siècle. Image et autorité* (Rome: École française de Rome): 120, 123; K. Bowes (2008), *Private Worship, Public Values, and Religious Change in Late Antiquity* (Cambridge: Cambridge University Press): 4, 11 and N. McLynn (1992): 36.
- 33 *Theodosian Code* 16.10.19.2 (in 408): *domini destruere cogantur*. Another important group that had to be influenced were local administrators, who eventually often were the same people as the landowners. A number of administrators simply either ignored the imperial decrees or interpreted them with considerable moderation.
- 34 See also Augustine, *Letter* 185.19, on the rulers who either issued laws against idols or destroyed them.
- 35 I have discussed the idea of pollution of the fourth- and fifth-century Christian ecclesiastical writers more thoroughly in my (forthcoming), 'Polluted by Sacrifices – Christian Repugnance at Sacrificial Rituals in Late Antiquity', in V. Vuolanto and S. Katajala-Peltomaa (eds), *Ancient and Medieval Religion in Practice* (Rome: Acta Instituti Romani Finlandiae). For polytheistic practices in Maximus' sermons, see A. Merkt (1997), *Maximus I. von Turin. Die Verkündigung eines Bischofs der frühen Reichskirche im zeitgeschichtlichen, gesellschaftlichen und liturgischen Kontext* (Leiden: Brill): 111, 139, 198.
- 36 Maximus uses the same argument in another sermon (*Sermon* 106. 2), demanding that Christian landlords root out idolatry on their estates. He states that as many are sanctified by the holiness of one, so many are polluted by the sacrilege of one (*sicut unius sanctitate sanctificantur multi, ita unius sacrilegio plurimi polluuntur*). This is based on the idea that the transgression of one member of the community is seen to defile the whole

community.

- 37 In another sermon (*Sermon* 108), Maximus states that a landlord who does not tolerate the performance of sacrileges on his property does not have a defiled conscience. He claims that, even if it is the tenant, not the landlord, who participates in rituals by the altars, the horrendous contamination touches the landlord.
- 38 For example, Gaudentius, *Tractate* 9. 2. *CSEL* 68. See also R. Lizzi (2009), 'Legislazione imperiale e reazione pagana. I limiti del conflitto', *CrSt* 30: 403 on Maximus' and Gaudentius' complaints about the *coniventia* and *dissimulatio* of Christian landlords.
- 39 For example, *Theodosian Code* 16. 10. 12. 3–4 in 392 refers to neglect and corruption.
- 40 One of the temple destructions on a private estate was the renowned case of the destruction of a Mithraeum by Furius Maecius Gracchus, the Christian city prefect for Rome as early as in 377. Jerome, *Letter* 107.2. Cf. Prudentius, *Against Symmachus* 1.561–3. Matthews (1975, 23) suggests that the destroyed Mithraeum was situated on private property, perhaps Gracchus' own property.
- 41 Augustine stresses that Christians should treat pagans civilly in order to be able to convert them. He (*Sermon* 62.12.18) compares pagans to children who play in the mud and get their hands dirty and who need a tutor to clean their hands. For the metaphors of the children and their tutor, see M. Kahlos (2009): 121–2.
- 42 Augustine in *Letters* 93.5.17 and 185.6.21.
- 43 It is worth noting that *Theodosian Code* 16.10.18 by Honorius, ordering the destruction of cult images, was published a few weeks before Augustine's sermon, see R. Markus (1990): 112–13.
- 44 Moreover, it is interesting that, in the same *Sermon* 62, Augustine characterizes destroying idols – when it is illegal and unauthorized by ecclesiastical leaders – as thoughtless activity performed by the false kind of Christians, Donatists and circumcellionists. Augustine stresses that the honour of martyrdom cannot be achieved by dying in attacks against idols. M. R. Salzman (2006): 277 points out that, in the mainstream Christian sources, violence against pagans is often depicted as performed by Donatists and circumcellionists. For example, in *Letter* 185.3.12, Augustine claims that Donatists and circumcellionists harassed pagan rituals in order to face death and achieve martyrdom. Again, he stresses the issue of legality, stating that in smashing idols they lacked the sanction of legitimate authority.
- 45 The case of Bishop George of Cappadocia and the Alexandrian riots indicates that, in spite of the outward refusal to use violence, Julian may have sympathized with polytheistic outbursts against Christian leaders. In fact, Julian let the lynching go unpunished. For the murder of George of Cappadocia, see also Ammianus Marcellinus, *Res gestae* 22.11.3–11; G. W. Bowersock (1978), *Julian the Apostate* (Cambridge, MA: Harvard University Press): 80–1 and R. Smith (1995), *Julian's Gods, Religion and Philosophy in the Thought and Action of Julian the Apostate* (London: Routledge): 187. On some other occasions, towards the end of his reign, Julian let pagan riots against Christians go unpunished; riots at Emesa: Julian, *Misopogon* 357c; riots at Gaza: Gregory of Nazianzus, *Oration* 4.93; Sozomen, *Church History* 5.9.
- 46 *Theodosian Code* 16.10.19.3 (in 407/408), for example, granting to bishops 'also of such

places the right to use ecclesiastical power to prohibit such practices', that is, convivial banquets. *Constitutiones Sirmondianae* 12 (in 407) on the role of clergy: 'the profane spirits of the heretics and the superstition of the pagans ought to have been corrected by the solicitude alone of those religious men, the priests of God'. Bishops were also granted legal authority. See G. Fowden (1978): 56–7.

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Controversy and Debate over Sexual Matters in the Western Church (IV Century)

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The decretals of Damasus and Siricius

This chapter is part of wider research on the relations between power in its many forms and sexuality seen as an instrument to control and organize society.¹ The theme of this book invites us to investigate the role bishops played, how their power was applied, why they entered into conflict with each other and how they solved various kinds of conflict through their alliances. In the Christian world at the end of the fourth century many issues concerning doctrine and discipline arose, creating an atmosphere of ascetic-monastic tension.

At the end of the fourth century and the beginning of the fifth century, the Bishop of Rome's frequent interventions confirm the complexity of the dynamics of power in the church. Both history and documentation lead us to reconsider the role of the Roman episcopal seat in this period regarding issues dealing with sexuality. The doctrine and discipline of Arianism and Priscillianism led them to be considered as heretical movements. Their origins were rooted in contexts far removed from Rome and are linked with sexual morality to varying extents. Rome was continually called upon to intervene on these issues putting the ancient primacy of the Roman seat to the test yet again.

The two pontificates considered here are those of Damasus and Siricius. In an ill-defined period, between 383–4 and in 386, they produced three decretals. The first was sent by Damasus to the bishops of Gaul while the other two were sent by Siricius; one to Himerius, Bishop of Tarragona, in Spain and one to the bishops of Italy (this document has come to us in the form of a copy distributed in Africa).² These letters, which reached the entire West within a few years, enable us to reconstruct relations between the Church of Rome and Western churches from the particular perspective of issues of a sexual nature. The decretals are the first Roman writings which have the form and weight of an official document.³ Once the Bishop of Rome had assured himself of imperial support for the Catholic Church, he was able to exploit decretals as the most suitable vehicle to spread his views on ecclesiastical politics and organization, so ensuring tight control of the entire Christian community.

The following reflections on the role of sexual issues in relation to ecclesiastical power are suggested by information contained within our documentation. In fact, it is clear that the issue most dealt with in the decretals is precisely that of the sexual control of Christian society and its components, its laymen, ascetic or monastic religious groups and the clergy.

Both the letter sent by Damasus to the bishops of Gaul and that sent by Siricius to Himerius of Tarragona are the answers to questions contained in other letters from churches which, as they were in conflict with each other, believed it opportune to address their questions to the Bishop of Rome. Evidently, this kind of document reflects the religious and political scene in Gaul and Spain more accurately. The third document, although it is not the response to a request for intervention or written in response to an external appeal, proves that there was strong conflict linked to the events which followed the council of Rimini. Here, it is the Bishop of Rome himself who autonomously decides to intervene. Finally, only the latter two decretals are the fruit of councils. However, this fact is irrelevant for the Roman Church where decisions were left solely to its bishop.

Damasus and the bishops of Gaul

This much discussed decretal, attributed to Damasus,⁴ does not deal with specific issues regarding doctrine. However, doctrinal issues are implicitly mentioned in its long introduction, complaining of *haeresis tenebras* and that they had changed *patrum traditiones* in order to follow *gloriam hominum* (*Ad Gallos* 1–2). Presumably the responses on the sexual behaviour of virgins, the clergy and the faithful pertain to these heretical issues: six responses are given for six questions which the bishops of Gaul asked the bishop of Rome.

These questions were: how to judge veiled virgins if they forsook their vows (*Ad Gallos* 3); how to judge the same case when the virgin was not yet veiled (*Ad Gallos* 4); whether clerics who were already married before being ordained should be permitted to be active sexually and, if so, what kind of sexual behaviour was legitimate (*Ad Gallos* 5), and what limits should govern those ordained (*Ad Gallos* 8); whether it was possible for a widower to marry his wife's sister (*Ad Gallos* 12); and how to judge someone who married the daughter of a maternal uncle (*Ad Gallos* 14).

The responses are exigent. The case of the virgins is considered with great severity. Not only must they be punished with excommunication, but they also have to show their repentance by appropriate penitent behaviour in order to be taken back into the fold at the end of their life or after a certain length of time.⁵ As regards the clergy, the decretal does not question their state of matrimony as it is considered legitimate as long as chastity is practised in existing marriages but, if that is not the case, they will then be excluded from the ministry (*Ad Gallos* 14). Finally, those who have committed inappropriate sexual acts before marrying, or have married a woman who was not a virgin, can not be ordained (*Ad Gallos* 5–6).⁶ With respect to the Old Testament which governed and regulated unions between close relations (Deut. 25, 5), as well as forbidding many forms of sexual union between blood relations and close relations (Lev. 18, 1 ss.), there is a reversal of policy as the decretal forbids marriages between close or blood relations and considers them fornication but does not seem to have fixed a punishment for this (*Ad Gallos* 12–14).⁷

Therefore, the letter hailing from Gaul which had invited this response from Rome is, in many ways, far removed from the general climate and the decisions of the council of Valence,

where the bishops, on 12 July 374, pronounced their deliberations on four simple questions.⁸ The council was exclusively concerned with an internal matter of the Gallic episcopate and not with doctrinal disputes, only contains two canons on questions of a sexual nature. One concerns the prohibition of those who have married a second time or were married to a widow, from being ordained. However, those who were already married when they were ordained were not to be excluded from the clergy, neither was there any limit or restriction imposed on their sexual activity nor an obligation to be celibate (Coun. Valence, *can.* 1). Virgins who had taken vows and who then married were punished with excommunication, followed by penitence for a limited time. There was to be careful reflection on the nature of the punishment as it had to be of moderate severity (Coun. Valence, *can.* 2).

Thus the resolutions regarding the clergy and virgins do not reflect the guidelines from Rome. The issues dealt with and their resolution highlight the incongruity between the two documents. This gives us good reason to believe that it was not the bishops of Valence who had addressed the Bishop of Rome. To be more precise, the complexity of the questions to which *Ad Gallos* responds, leads us to imagine that the situation in Gaul was worse than the situation with which the bishops of Valence had dealt.⁹

External factors such as the political circumstances of the time also support this interpretation. In fact, the churches of Gaul were debating these issues around the time of the councils of Rimini¹⁰ and Valence. This makes a request to Rome unlikely, as its political significance could not have escaped the attention of the bishops of Gaul or of Damasus. The Gallic episcopate creates an exemplary situation as ‘it gives the first opportunity to the bishop of the apostolic *sedes* to exercise the rights of western patriarchy’.¹¹ Therefore, this request must also have been provoked by circumstances that had strengthened the need for the Nicene faction to reassemble a united front in the face of conflict.

It is precisely these circumstances which seem to fit in better with what happened in the years following the council of Constantinople (381) and the intricate events connected with the elimination of the final Arian resistance in the West¹² in which the Gallic churches had played part to varying extents.¹³ In the aftermath of the Arian crisis, the consequences of which were not altogether resolved, morality and customs had taken a negative turn.¹⁴ The Priscillian affair had also affected Gaul.¹⁵ In Gaul, as had happened in Spain, a group of bishops opposed the teaching of the Spanish monk. The Priscillian question and the various issues on sexuality dealt with in the decretal seem to be closely intertwined.

Thus, the value of the decretal lies in its evidence as a document. At the height of Priscillianism, following Priscillian’s condemnation in Zaragoza in 380, this document reveals the need for a strengthening of the alliances of the Nicene front in the West. Even if not made directly in Gaul,¹⁶ the accusations of Sabellianism against Priscillian, not to mention the influence of modalistic monarchianism,¹⁷ soon helped link the two movements.

Despite the more markedly ethical nature of this doctrine, it brought various conflicts to the fore. Priscillianism was ascetically rigorous and affected widespread, organized Christian practice. It thus reconsolidated the opposing factions of orthodoxy and heresy. This was not because of its doctrinal nature which is difficult to define owing to its ethical severity and the inconsistency of vague accusations of Manichaeism, but because behind the doctrinal and

disciplinary conflict, it resuscitated conflicts of power and authority within episcopate itself.

These conflicts had already emerged in Gaul in 371, when the steadfast ascetic, Martin, was acclaimed as Bishop of Tours (*Vita Martini* 9, 4). His election as bishop was desired by the populace though opposed by an alliance of bishops, including a certain Defensor. Their opposition to Martin reveals the conflict of power between the ecclesiastical ranks of a solid established formation and figures like Martin (*Vita Martini* 19, 2). Martin had won over popular opinion with his charisma and an authoritarianism learned from a rigorous lifestyle radically removed from the world, and founded on oriental models rather than the rigid protocol of *cursus honorum*, where the ecclesiastical structure, as structured by the established church,¹⁸ was quite independent of relations with the people. Martin did not belong to this hierarchy; his anomalous journey from soldier to monk to bishop, explains the opposition of the other bishops of the region showing it as a conflict and competition between different forms of authority.¹⁹

These conflicts still existed in 380, at the Hispanic-Aquitaine council of Zaragoza,²⁰ which condemned Priscillian, the monk and future Spanish bishop, 5 to 10 years after he had started preaching, that is between 370 and 375, after his success in Spain and then in Gaul.²¹

These power games were what drove the Priscillian situation. In fact, his enemies' appeal to the emperor Gratianus is the fruit of these conflicting alliances and resulted in the ordination, requested by Priscillian, of the bishops who supported him. It also gave rise to Priscillian's appeal to Damasus and the subsequent accusations of the usurper Magnus Maximus which led to the synod which condemned Priscillian in Bordeaux in 384 and again in 385 where his final drastic sentence was pronounced at the imperial trial of Trier.²² With this sentence the Episcopal conflicts between the supporters and adversaries of Priscillian were rekindled; his adversaries disassociated themselves from the dreadful degeneration of the trial but despite this, they were still held responsible for his death by his supporters.

These events explain why the bishops of the Gallic Church were looking for an arbiter who could intervene in the conflict over power and authority centred on a conflict between opposing models of religious life. These forces clashed above all at the moment of an election of a bishop and focused on the issue of the sexual behaviour of the entire Christian community. In any case, it was normal to find these issues on the agenda throughout the institutional church. The opponents of models of an extremist lifestyle like Martin's, or Priscillian's, could only benefit from discussion on sexual behaviour which, given the high value placed on ascetic ideals, reflected models based on extremism lying outside the institutional church.

The ecclesiastical hierarchy did not have the same pull as the more representative monks. In order to gather support, therefore, it looked for alliances and institutional backup. Thus the Gallic bishops who opposed Priscillian, turned to Damasus. Calling upon the Bishop of Rome guaranteed them support for many reasons. The condemnation of Priscillian took place either in the first months or in the autumn of 385, so presumably the request was made between 383 and 384. As well as being issued after Priscillian's condemnation by the emperor Gratianus, the decretal could also be placed after his appeals to Damasus and Ambrose, as he wished to create a faction in his favour within the ecclesiastical hierarchy. This support existed up to a point; Damasus annulled the imperial decree and had Priscillian's most strident opponent, Ithacius, arrested. This intervention was understandable as jurisdiction had guaranteed

ecclesiastical trials and tribunals since Constantine's time.²³ Despite this, Damasus did not continue to support Priscillian with conviction. In particular, as regards the conflict among the bishops, he seemed intent on avoiding swaying the balance in Priscillian's favour and so to weigh in favour of those who opposed him. Thus the bishops of Gaul turned to Damasus convinced they would benefit from his decision. His response, they believed, with the counsel of Jerome,²⁴ would undoubtedly be in favour of the ascetics and this would undermine the attraction of Priscillian's teachings.

These conflicts therefore determined the Gallic bishops' request. Their intention was clear: to deal Priscillian a harsh blow, hitting hard at his followers who pursued his radical message, their final aim being to consolidate the Nicene front in Gaul with Rome.

The decretal does not directly address specific issues with accusations of heresy –namely Arianism and Priscillianism – but seems to imply them. It does not intervene in the doctrine directly, but it is precisely because of this that, by giving essentially controversial guidelines, it unravels the knots of doctrinal issues, giving instructions on how to conduct the politics of the church and how to manage the church. It both affirms a position on sexual matters and strengthens the organizational and institutional control on aspects of these issues which are not discussed in this paper (*Ad Gallos* 9–10–11–13–15–16–17).²⁵

Finally, one more aspect can clarify the relations between the Church of Gaul and the Bishop of Rome. The rigid Roman guidelines on sexual matters were not accepted by the Church of Gaul and appear only long after the pontificate of Damasus in 441 at Orange.²⁶ Perhaps this contributed – if it was not actually the cause – to the document not being widely distributed; it was conserved in anonymity in a single large canonic collection of Gallic origin, *Collectio Sancti Mauri*. However, it is also true that Rome's guidelines regarding ecclesiastical organization are similar to those found in *Ad Gallos*, at the councils of Nîmes (396) and Turin (398). A certain distance from Rome was maintained, though solely regarding the guidelines on sexual matters. So, the rigid guidelines of Rome did not succeed in supplanting the controversial preferences of the Gallic Church. The real purpose of addressing Rome was to strengthen the political position of the Nicene Church in Gaul at a moment of extreme conflict.

Siricius and the Spanish bishops

Events in Spain also confirm that these conflicts created the conditions which strengthened the political position of the Roman primate. In fact, similar circumstances encouraged the Western Church to turn to Rome, believing it to be opportune, and so recognizing its prestige – and benefiting from it.

The decretal of Siricius, on 11 February 385, addressed to Himerius, Bishop of Tarragona (Spain), was his first official act. He himself defined it *decreta generalia*. Siricius found the Spanish bishop's questions, which had been sent to Pope Damasus, but had been put aside because of his death. Although formally the fruit of a Roman church council, in reality the decretal records the indisputable wishes of Siricius. The document describes and reflects the conflict among churches in Spain, a situation which Himerius tries to solve by appealing to the

authoritative Roman See.

The Arian crisis, to which Himerius must have made explicit reference with regard to liturgical sacramental issues, was still ongoing (Siricius, *Ep. Himerio* 1). However, he does not seem to have mentioned either Priscillian or Priscillianists. It is impossible to imagine that at this time when the issues of a sexual nature contained in the decretal were controversial (10 out of about 15 issues dealt with) there was not some kind of relation with Priscillianism and the ethical-behavioural problems which characterized it. The fact that Priscillian is not mentioned, despite his relevance to these issues, is cause for reflection. The position of Himerius and his appeal to Rome also needs to be clarified.

Like the bishops of Gaul, Himerius must have turned to Damasus to obtain his political support in order to exploit the conflict which divided the Spanish Church over the Priscillian affair.²⁷ The decretal reflects the diversity of opinion and behaviour which split Spanish Christianity on a doctrinal and institutional level as regards guidelines on behaviour, above all regarding the matrimony of the people and the clergy. However, some considerations lead us to believe that unlike the bishops of Gaul, Himerius sympathized with Priscillian, or at least defended him against his adversaries.

From the reconstruction of the questions, it can be deduced that Himerius, favoured rigour in ethical and sexual behaviour, expected the response on illicit sexual behaviour to be a reprimand of those who practised it. In Spain this meant pitting the Priscillianist position against the anti-Priscillianist one. But what has to be clarified is how Himerius could expect support for Priscillian and his rigorous teachings by involving Damasus, given the latter's role in the case of the Gauls.

Himerius must have been aware of how weakly Damasus had supported Priscillian and this should have made wary of making such an appeal. But despite the fact that the collection had not been distributed widely, it is possible that *Ad Gallos* was known in the West and confirmed that Damasus supported rigid sexual limits. In effect, the position of Damasus was seen as so rigorous that the Church of Gaul had not welcomed it.²⁸ Thus the line taken in *Ad Gallos* was such that it appeared to support Priscillian.

Himerius, in search of powerful support in a moment of conflict and difficulty for the bishops who supported Priscillian more or less openly, turned to Damasus. By not mentioning Priscillian and not revealing his purpose, he might have thought that he could exploit a response from Damasus in favour of a rigid stance. But history was to place Himerius in the hands of Siricius.

Siricius was extremely critical of the cruel end met by Priscillian. This occurred around the time that the decretal to Himerius was set down. Siricius was highly reluctant to see the rules on sexual behaviour being relaxed even a little. This rigorist approach is reinforced by the formal linguistic structure of the decretal, which historiographers have unanimously recognized as defining the judicial normative procedures which were still vague in the Damasian document.²⁹ In defence of this rigour, Siricius also calls upon unknown Old Testament sources.³⁰

These are the issues dealt with: the first regards laymen, and questions whether a girl who is already betrothed and blessed by the priest may marry another man. The reply given is: 'We absolutely forbid that this should happen as the benediction given by the priest to the promised

bride, has been violated and as such is held as sacrilege' (Sir. *Ep. Himerio* 4). Rather than being concerned with a conflict over doctrine, the question revolves around the transgression or deviation from accepted procedure, that is that a blessed pact should not be violated. Therefore Siricius does not consider the Scriptures, the apostolic traditions and the Fathers³¹ his only source of reference; he also takes the established habits and traditions of the Christian populace such as the vows of matrimony into consideration.

Here there is a conflict which is, however, devoid of intellectual and theoretical foundation, between tradition, which dictates the accepted norms and considers the breaking of a matrimonial vow to be sacrilege, and deviant behaviour. This kind of behaviour is not based on a conflict of doctrine or discipline; nothing is suggested otherwise by Christian texts. It is no different from traditions which existed before Christianity. Tertullian does allude to it (*de virg. vel.* 11; *de orat.* 22), but it is also likely that it was a custom during the Roman Republic, reformulated by Constantine and adopted by Christians.³²

However, neither apostolic traditions nor ecclesiastical decisions need be called upon to impose this limit on a promise of matrimony. The bishop's only role is to give his benediction, and not to punish behaviour considered inappropriate in relation to customs and popular Christian tradition.

The solution indicated by Siricius is based on different sources of norms. For the first time the institution of the church legitimates popular tradition. In the name of tradition the Pope establishes a prohibition, but does not indicate the content or form of the sanction. His authority (*modis omnibus inhibemus*) strengthens the norms of moral customs. Therefore, at the same time the papal pronouncements, by acknowledging this source, ends up appropriating it and thus legitimizing the tradition and the Pope's authority.

However, other conditions existed in the ascetic-monastic environment, above all as regards the clergy. Himerius had posed the question of monks and nuns who betrayed the *propositum castitatis*; they secretly lived in unholy union and generated offspring. This was further aggravated by the fact that such behaviour went on in full view of the monastery: 'Some monks and nuns, having abandoned *propositum sanctitatis*, are conducting a dissolute life, which at first was kept hidden, but have joined in illicit and sacrilegious relationships almost as if with the monastery's complicity. Then, dragged by desperation to the very edge of their conscience, they have generated children from those illicit unions regardless. This is condemned both by public and ecclesiastical law. Therefore (*ergo*), we must establish that these immoral and contemptible people are removed from the monastery and from assembly in the church . . .'

(Siricius, *Ep. Himerio* 6).

We are not dealing with an ideological dissident in this case, but with a reprimand aimed at deviant behaviour.

Once again the basic principle is to find an already existing authoritative norm to call upon. This is to be found in *publicae leges et ecclesiastica iura*, where the position of the monk and his obligations were not very well defined at this time. Above all, there are simply indications from the Fathers, who describe an ideal way of life rather than a well-defined code of what is licit and what is prohibited. Our texts speak of *professio* but there is no official ceremony. In this case particularly well defined. In fact, despite Siricius' statement that these illicit and sacrilegious unions are prohibited by lay and ecclesiastical law, in reality too, it is Siricius'

guidelines which are the first important step towards Leo's later sanctions, which will sentence monks who abandon their position to harsh public punishment (*Ep.* 167). The civil laws, the *titulus De Monachis* (*CTh* 16, 3), do not mention the monks' misbehaviour. Several laws, however, beginning with Constantius (*CTh* 25, 1) regard the rape of virgins and widows *sanctimoniales* or *Deo dicatae* in a severe light and approve harsh sentences for the rapists, even if the raped woman then consents to marriage. This is much more lenient with respect to the civil and ecclesiastical regulations for a monastic life than Siricius' pronouncement.

However, the teachings of the Fathers and the rules of the civil law, however weak, reinforce the guidelines given by Siricius. He falls back on other normative contexts which prohibit these kinds of behaviour to combat deviance and error and to strengthen his guidelines.

In this case too neither deviance nor error has anything to do with an ideological standpoint and so alternative groups did not spring up. In any case, the ascetic monastic community would have had difficulty in finding theoretical reasons which could justify distancing itself from chastity given the religious nature of the issue.³³ Both the case of a broken promise of matrimony and that of monks and nuns who have secret and therefore premeditated illicit sexual relations are to be considered deviant behaviour reflecting weakness of a personal nature. We are dealing here with a well-defined group in Christian society.

From a sociological point of view, this deviant behaviour is not the expression of ideological dissidence or alternative behaviour which is consciously defended. To some extent, the monastic institution is partly responsible for behaviour considered sinful and which the perpetrators themselves consider shameful, so it is inappropriate to speak of a real conflict.

Rather, we could say that it is a struggle against bad habits, which are not, in reality all that widespread,³⁴ and did not require consultation of the Scriptures. Siricius, rather, calls upon the customs and human laws of the empire and the church as points of reference.

Himerius' question does not seem to question the correctness of one or other form of behaviour. Instead, he asks for disciplinary measures to be defined precisely. In this struggle against bad habits, the decretal is the starting point for judicial order, because it gives precise sanctions which had never been set down before. These included removal from monastic life and ecclesiastical communion, relegation to places of penitence (still poorly defined), public repentance, pardon and readmission to communion on one's deathbed.

Where we find real conflict over doctrine, centred on the Holy Scriptures and on its divergent interpretations, is over the issues of matrimony and the chastity for the clergy.

We have, in fact, heard that many priests of Christ and deacons, some after being consecrated, have procreated children either from matrimony or from dubious relations and that they defend their crime with this excuse: in the Old Testament we read that it is possible for priests and ministers to have children. (Siricius, *Ep. Himerio* 7)

The sanction is approved both for those who openly live in a state of matrimony and those who have irregular relationships. Various limitations are put in place as regards sexual habits before ordination, when ordained, and the length of time spent in the hierarchy. Briefly, for anyone who requests admission to the first three levels of the ecclesiastical hierarchy, only one marriage is possible before being ordained and that must be to a virgin. In any case clergymen

must observe absolute chastity (Siricius, *Ep. Himerio* 7–8–9–10–11). For those who do not observe these obligations, the punishment is being removed from *sacri ordines*.

Therefore the disciplinary problems in Spain can be reconstructed. The situation of those who have relations outside of marriage is not an issue as they are governed by concepts of morality which forbids all Christians to have illicit relationships. The situation is quite different when bishops and priests are married but do not observe chastity.

This is a different case from those who stray out of weakness: first of all, it regards the extent of the phenomenon³⁵ and the status of the perpetrators, since metropolitans were involved. They knowingly defended this kind of behaviour. Above all, they cited the Old Testament, specifically the concrete model of the lifestyle of Jewish priests on which their group identity and unity were founded and which opposed the position of chastity proposed by Siricius.³⁶

On the question of the legitimacy of clergymen and marriage, which is of a disciplinary nature, a much more important conflict than the simple interpretation of the Scriptures which concerns doctrine and theology comes into play.

The Spanish Church was divided on the question of matrimony and the clergy. Some supported the need for the clergy to observe chastity even if they were already married when ordained, with only one marriage behind them in observance of the previous constraints. Others supported the view that these marriages could legitimately be fulfilled sexually on the basis of their interpretation of the Old Testament.

The controversial question of marriage and the chastity of the clergy, so close to ascetic issues, fitted in with Priscillian radicalism. Marriage and chastity were undoubtedly closer to the orientation of the institutional church and patristic guidelines than the legitimacy of marriage lived to the full by clergymen which was supported by the Old Testament.

The search for support of a chaste ecclesiastical hierarchy can be found in the letter sent by Himerius to Rome. This approach which opposed those who favoured the Old Testament guidelines, lent, like Priscillianism, towards radicalism and chastity. Therefore appealing to Rome and presumably gaining its support, would bring Priscillianism closer to the positions favouring self-restraint supported by the church.

As regards the clergymen who called upon the Old Testament, I have already indicated elsewhere the form, worthiness and significance of these connections to Old Testament models in concrete terms as real models for life in the light of Christian exegesis.³⁷ It is possible that behind the claims of these priests lie issues concerning dogma and doctrine and that we are dealing with a significant number of clergymen who tended towards a Judaizing Christianity and as such were in conflict with the institutional church.³⁸

This mediation between the Old Testament and Christianity, as implemented by Siricius, caused problems rather than solved them. In fact, to counter the affirmation of these priests Siricius cites an undocumented custom in the Old Testament,³⁹ on the basis of which the Jewish priests would operate an annual rota of worship. This rota forced them to stay far away from their wives and so to practise chastity. Siricius maintained that priests were obliged to observe sexual abstinence to ensure they were in a spiritual state to celebrate the Christian rites whenever necessary.

Siricius: Italian issues and African reception

The *Tractoria Ad Afros* is one of the *decreta generalia* first disseminated in the times of Pope Liberius. It was a circular found in the form of a later copy in the African archives, attached to the Acts of the African Council of Telepte, held on 24 February 418.⁴⁰

The letter records a Roman Council of 6 January 386. In some parts it differs from previous letters partly because of its characteristics and partly for the conditions which it records. The first difference with previous decretals is that it is not a response to specific regional or local problems. The council was in fact summoned by the Bishop of Rome and held in the Vatican at St. Peter's tomb. Themes pertaining to the Italian questions were on the agenda and the deliberations are the fruit of independent thinking by the Roman Church.⁴¹ Participation which had previously been limited to the Roman clergy, was widened; in fact in this case 80 bishops attended, which in effect was the entire Italic episcopate.⁴² This, however, did not change the management of the council, as the decisions were still taken by the Bishop of Rome.

The context within which the council took place is well known. It comprised the struggle for the basilica in Milan and the more recent preoccupation over a pending imperial law; information about whose content had leaked despite the utmost discretion. The law, promulgated on 23 January,⁴³ a few days after the council, endangered the political religious scene, because it posed a threat to the Nicene faith in Milan and in Italy. To deal with this situation, Ambrose, had also called a synod to be held in Milan the following month (Ambr., *Ep.* 11, 18). This conflict saw a Catholic front poised against the Arian bishops and the imperial government which supported them and resulted in the consolidation of the Catholic Church around Rome.⁴⁴ For this reason the massive presence of bishops at the Roman council is politically significant⁴⁵ despite the fact that the Italian episcopate participated neither in the discussions nor in the deliberations. There seems to have been no conflict between the bishops and Rome, whose primacy over the Catholic Church was momentarily supreme and indeed, strengthened. The bishops' participation indicates the Italian churches shared the political views and approved of the choices made by Rome.

In this situation the intervention of the council on sexual matters is particularly significant. The situation was more complex than that of either Gaul or Spain because of the involvement of imperial politics. Thus all the decretals aimed at reinforcing the internal discipline of the church to make it stronger in the clash with Arianism and the empire which supported it.

The council did not discuss theological arguments. It intervened in the organization of the church, its hierarchical structure, liturgy and the social conditions allowing access to the ministry in six canons out of a total of nine (1–2–3–6–7–8). The other three canons regard the sexual control only of the clergy (4–5–9). It is evident that less attention is paid to matters of a sexual nature than to the more immediate matters of organizational and hierarchical interest. The clinical way matters are usually dealt with in decretals and decrees is not observed in the ninth and last canon, which deals with the obligation of chastity for the superior orders, is dealt with in depth.

That the issues of a sexual nature and those of liturgical and institutional matters are connected is obvious because Siricius believed that the observance of all the dispositions laid

down would ensure that there would no longer be *ambitio, dissensio, haereses et schismata*. So it is clear that these canons were put in place to ensure a more compact and unified church.

The three canons on sexual matters regard the confines of matrimony for the clergy. Clergy cannot have been married nor can they marry a widow; if they are married, then they must observe absolute chastity. We have already dealt with some of these problematic issues.⁴⁶ Regarding those problems within our context, it has to be considered just how sexual ethics were used to combat Arianism⁴⁷ and to what extent they affected the organizational structure of the institutional church in Italy.⁴⁸

Once again therefore, conflict is used to draw attention indirectly to the structural and hierarchical organization and sexual behaviour is the means employed to manage and overcome conflicts. In this case too the management of issues pertaining to sexuality is a focus of attention in Rome. Therefore where there is conflict and debate, Rome is looked to for an answer. In these difficult years Rome earned the primacy and the role of *cathedra Petri*. However, it must be acknowledged that this role was not a stable one in the West. The overall weakness of the Roman See, perhaps owing to the personality of Siricius, meant that it would lose its prestigious position to Milan and its bishop, Ambrose.

The guidelines laid down in this decretal were accepted, but not immediately. And the document, intended for Italy and probably sent also to Western regions, as well as Africa, was accepted by the African churches autonomously, but over time, as the copy to which we have access, demonstrates.

Conclusion

The three decretals by Damasus and Siricius show that sexual issues which were already central to ascetic-monastic ideals, played a decisive role in the ideological and political conflicts in the West at the end of the fourth century. They became instrumental in strengthening Rome's leadership of the church. Behind the standpoints and debates on these issues lay ideological and political conflicts among Western churches which looked to Rome, sometimes only pro forma, for institutional and political guidelines.

At a time when the Arian question, and presumably, in its most dramatic moment the conflict with Priscillian and its subsequent tragic outcome, dominated the scene, *Ad Gallos* does not contain any doctrinal issues. However, underlying the issues dealt with, which are largely of a sexual nature, there are ethical implications associated with Arianism and the clash among bishops with an institutional background and supporters and followers of an ascetic, radical Christianity like that proposed by Priscillian and Martin.

The appeal to the Bishop of Rome also demonstrates that the real interest of the appellants lay in political and doctrinal conflicts and one of the main motivations for their appeal was to strengthen the Nicene and institutional faction rather than any desire to really adopt the Roman guidelines. In reality, after having requested Damasus' opinion, the bishops of Gaul distanced themselves from the severity of his guidelines on matters of sexuality and did not immediately put them into practice.

The need to find an authoritative voice in Rome to resolve the bishops' clash over Priscillian in Spain is also clear in Siricius' first decretal to Himerius. Here too the real nature of the political, ideological conflict is hidden behind sexual issues. In fact, despite the tight link between the ethical themes central to Priscillianism and the many sexual issues in the decretal which advocate rigour as regards the behaviour of monks, the clergy and the faithful, there is no mention of the political, ideological conflict of which these issues are a part.

In Siricius' second decretal too more pressing conflicts lead to sexual questions. At a time when the Arian question saw Catholic and Arian churches at loggerheads with the latter supported by the emperor, Siricius' intervention, which paid great attention once again to the chastity of the clergy, aimed at reconsolidating the Italian sees and strengthening the Nicene faction by following a policy of reorganizing and consolidating the hierarchical structure.

Therefore, in this West torn by conflicts concerning ecclesiastical and institutional ideologies, the documents of the Roman Church reflect its significant role in defending the Nicene faction. However, this ecclesiastical policy was largely conducted through issues and debates concerning sexual issues and supported a rigorous outlook, especially as regards the clergy, the aim of which was to redefine the hierarchical organization of the Catholic Church from an institutional viewpoint.

Notes

- 1 F. Saccà (2003) *La società sessuale. Il controllo sociale della sessualità nelle organizzazioni umane* (Milano: FrancoAngeli): 24 ss. An anthropological and cultural approach can be found in G. Mura - R. Cipriani (edd.) (2009) *Corpo e religione* (Roma: Città Nuova).
- 2 Texts cited by A. Di Berardino (ed.) (2008) *I canoni dei concili della Chiesa antica. II. I concili latini. 1. Decretali, concili romani e canoni di Serdica*, introd., trad., note, a cura di T. Sardella – C. Dell'Osso (Roma: Institutum Patristicum Augustinianum). The editions of the decretals are reproduced respectively by: Y.-M. Duval (2005) *La décrétale Ad Gallos Episcopos son texte et son auteur. Texte critique, traduction française et commentaire* (Leiden-Boston: Brill); Siricius, *Ep. Himerio*, PL 13: 1131–47; Siricius, *Epistola tractoria ad Afros* (ed. Ch. Munier), CCL 149, Turnhout 1974: 59–63.
- 3 These sources are generally considered as based on the imperial decreeds (*decretum da decernere*), but they could simply be autonomously conceived by the Bishop of Rome: J. Gaudemet (1985) *Les sources du droit de l'Eglise en Occident du IIe au VIIe siècle* (Paris: Ed. du CERF): 58 ss.
- 4 Historiographers have long debated the precise provenance, if it is a council, although it is agreed that it is Roman, and the date (there is a synthesis of these issues in Duval, *La décrétale*, cit.: 1 ss.). In conclusion: Duval, who writes a comment in the first edition of modern criticism, supports the thesis this should be attributed to the pontificate of Damasus and also identifies its author as Jerome. As regards dating: Babut then J. Gaudemet, ed.

- (1977), *Conciles Gaulois du IV^e siècle*, SCh 241 (Paris: Ed. du CERF): 104, n. 2, associate it with the council of Valence (374). Duval (*La décrétale*, cit.: IX) shifts it to 383–4; on other issues concerning dating, cf. T. Sardella (II, 2011) ‘Potere, costume e sessualità nelle decretali di Damaso e Innocenzo: adulterio e ruoli familiari’, *Rivista di Storia del cristianesimo* 8: 261–78.
- 5 T. Sardella (2009) ‘Vincoli e divieti matrimoniali nelle prime decretali papali: peccato e reato nell’ adulterio della ‘sponsa Christi’, in *Il matrimonio dei cristiani: esegesi biblica e diritto romano*, XXXVII Incontro (8–10 maggio 2008) (Roma: Institutum Patristicum Augustinianum): 400–30.
 - 6 Cf. Sardella (2011), ‘Potere, costume e sessualità nelle decretali di Damaso e Innocenzo: adulterio e ruoli familiari’, *Rivista di Storia del cristianesimo* 8: 261–78.
 - 7 On the theme, cf. P. Marone (2009) ‘Le nozze tra cognati nelle testimonianze ecclesiastiche e civili di IV-V sec.’, in *Il matrimonio dei cristiani*, cit.: 211–20.
 - 8 Text cited by A. Di Berardino (ed.) (2010) *I canoni dei concili della Chiesa antica. II. I concili latini. 2. I concili gallici*, I, introd., trad. e note by R. Barcellona - M. Spinelli (Roma 2010) (=ed. Munier, Ch. (1963), *Concilia Galliae* A. 314- A. 506, CChL 148, Turnhout: Brepols). The connection with this council has been used to justify the later date of the decretal (cf. supra). In our opinion the extraneousness of the council of Valence as regards *Ad Gallos* is an element which further corroborates the dating of *Ad Gallos* to about ten years later: cf. Sardella (2011), cit.
 - 9 For the general situation in Gaul, cf. E. Griffe (1964) *La Gaule chrétienne à l’époque romaine*, I (Paris: Letouzey et Ané); on councils in particular: J. Gaudemet (ed.) (1977) *Conciles gaulois du IV^e siècle*, SCh 241 (Paris: Ed. du Cerf) and Barcellona (2010), *Introd. a I concili gallici*, cit.: 7 ss.
 - 10 For a synthesis of the situation in Gaul during this period highlighted by the councils, cf. Barcellona (2010), *Introd.*, cit.: 10 ss.
 - 11 Also Ch. Pietri *Roma christiana. Recherche sur l’Eglise de Rome, son organisation, sa politique, son idéologie de Miltiade à Sixte III (311–440)* (Paris-Ec. Fr. Rome): 772, which, however, also affirms that ‘the circumstances in which the Bishops of Rome present their relatio to Damasus are unknown’ (my translation).
 - 12 On these issues, cf. M. Simonetti (1975) *La crisi ariana nel IV secolo* (Roma: Institutum Patristicum ‘Augustinianum’): 542–52.
 - 13 We refer specifically to the council of Aquileia (3 September 381).
 - 14 Cf. letter 92 by Basilus, addressed, in 372, to the Bishops of Italy and Gaul, in which the bishop invokes help against the spread of Arian heresy and its negative influence on morality.
 - 15 S. Pricoco (1997) ‘Da Costantino a Gregorio Magno’, in G. Filoramo - D. Menozzi (edd-), *Storia del cristianesimo. L’Antichità* (Bari: Laterza): 319.
 - 16 Orosius, *Common.* 2; council of Toledo (400 ca.), *anat.* 2–4.
 - 17 As well as these issues there were Tertullian’s arguments: cf. S. Mazzarino (1962) *Trattato di storia romana. II. L’impero romano* (Roma: Tumminelli): 480.
 - 18 The first examples of this position are the decretals, which contrast with procedures: on this theme, we cite only the synthesis by E. Wipszycka (2000) *Storia della Chiesa nella*

tarda antichità (Milano: Mondadori): 8 ss.

- 19 R. Van Dam (1985) *Leadership and Community in Late Antique Gaul* (Berkeley–Los Angeles: California University): 95 ss.
- 20 Sulp. Sev. *Chron.* II, 47,1; J. J. Vives (1963) *Concilios visigóticos e hispano-romanos* (Barcelona-Madrid: Consejo Superior de Investigaciones Científicas, Instituto Enrique Flórez): 16–18. Cf. H. Chadwick (1976) *Priscillian of Avila. The Occult and the Charismatic in the Early Church* (Oxford: Clarendon Press): 12–13. On this subject cf. also V. Burrus (1995) *The Making of a Heretic: Gender, Authority, and the Priscillianist Controversy* (Berkeley–Los Angeles–London: University of California Press).
- 21 For a critical synthesis of these events, see Pricoco (1997), cit.: 318. For an analysis of the dynamics of the conflicts in the entire Christian society, see M. V. Escribano, ‘Autonomía e identidad en el cristianismo hispano (s. IV): conflictos internos y formas de solución’, in A. Sartori - A. Valvo (edd.), *Identità e autonomie nel mondo romano occidentale. Iberia-Italia Italia-Iberia*, III Conv. Int. di Epigrafia e Storia antica (Gargnano, 12–15 maggio 2010): 471 ss.
- 22 Sulp. Sev., *Chron.* II.48.2; 49.7–8.
- 23 L. De Giovanni (1985) *Il libro XVI del Codice Teodosiano alle origini della codificazione in tema di rapporti Chiesa-Stato* (Napoli: D’Auria): 39.
- 24 Damasus’ secretary and manager of the Vatican archives (Hier., *Ep.* 52, 6), Duval maintains Jerome is the author of the decretal.
- 25 On issues of an established nature, Damasus’ answers outnumber the questions.
- 26 R. Barcellona (2013) ‘Il riverbero delle decretali nella normativa gallica tardo antica. Clero e sessualità’, in *Organizzare Sorvegliare Punire. Il controllo dei corpi e delle menti nel diritto della tarda antichità* (Spello-Perugia, 25–27 giugno 2009), XIX Convegno Internazionale AARC Perugia 2013, pp. 177–220.
- 27 Van Dam, cit.: 88; 99, with details on Catholic opposition in Spain.
- 28 At that time this was diversely oriented as the case of the deliberations of Valence, a decade before, demonstrates as do the councils of Nîmes and Turin, about ten years later (cf. supra).
- 29 H. Getzeny (1922) *Stil und Form der ältesten Papstbriefe bis auf Leo der Gros.: ein Beitrag zur Geschichte des römischen Primats* (Günzburg).
- 30 D. Callam (1980) ‘Clerical Continence in the Fourth Century: Three Papal Decretals’, *Theol. Studies* 41: 3–50 (cf. n. 39).
- 31 The phrasing in these texts indicates the Fathers of the council of Nicea.
- 32 *CTh* 3, 5, 6; cf. J. Gaudemet (1989) *L’Eglise dans l’empire romain* (Paris: Sirey): 522.
- 33 This is implicit in the monastic choice, different from the obligations by which ecclesiasts are bound: cf. T. Sardella (1998) ‘Eros rifiutato ed eros proibito. Ascesi dei monaci e celibato dei clerici: un aspetto dei rapporti tra società e istituzioni religiose’, in S. Pricoco (ed.), *L’Eros difficile, Amore e sessualità nell’antico cristianesimo* (Rubbettino: Soveria Mannelli): 197–238.
- 34 . . . *monachorum quosdam atque monacharum* . . . (Siricius, *Ep. Himerio* 6: 68).
- 35 There are so many cases it almost seems that the opposite was ordered: . . . *plurimi sacerdotes* . . . *quasi in contrarium magis fuerint constituta* . . . (Siricius, *Ep. Himerio* 8:

72).

- 36 There is no precise statement, but there is clear reference to the traditions of the priesthood, laid down in Es 28, 1–4. T. Sardella (2006) ‘Gerarchie e identità religiose nei primi secoli dell’era cristiana: ebraismo e cristianesimo’, in G. Ruggieri (ed.), *Io sono l’altro degli altri. L’ebraismo e il destino dell’Occidente*. Quaderni di Synaxis 19 (Quaderni del CESIFER 4), Catania-Firenze: 37–54.
- 37 Cf. *Ad Gallos* 7.
- 38 M. Simon (1964) *Verus Israel. Etudes sur les relations entre chrétiens et Juifs dans l’empire romain* (Paris: Editions E. de Boccard); A. Monaci Castagno (2001) ‘I giudaizzanti di Antiochia: bilancio e nuove prospettive di ricerca’, in G. Filoramo - C. Gianotto (edd.), *Verus Israel. Nuove prospettive sul giudeocristianesimo. Atti del Colloquio (Torino 4–5 novembre 1999)* (Brescia: Paideia): 304–38; M. Pesce (2003) ‘Sul concetto di giudeo-cristianesimo’, in *Il giudeo-cristianesimo nel I e II sec. d.C.* Atti del IX Convegno di Studi Neotestamentari (Napoli, 13–15 settembre 2001) (*Ricerche storico-bibliche* 15): 21–44.
- 39 There is no reference in the ritual sections of the Old Testament (*Exod.* 19, 15; *1 Sam.* 21, 5; *2 Sam.* 4, 11; *Lev.* 15) which Ambrose and Jerome refer to (*de off.* 1, 50, 249; *adv. Iov.* 1, 20 e 34). However, priests and rotas are discussed in Innocentius, *Ep.* 2, 9, 12 (to Vittricius).
- 40 On variations of African couples, Gaudemet, *L’Eglise*, cit.: 415; Pietri, *Roma christiana*, cit.: 889 ss.
- 41 *Ep. ad Afros*, ed. cit.: 86.
- 42 *Ep. ad Afros*, ed. cit.: 90.
- 43 *CTh* 16, 1, 4; *Ruf. h.e.* 2,16; *Soz. H.E.* 7,13; Pietri, *Roma christiana*, cit.: 891 ss.
- 44 Pietri, *Roma christiana*, cit.: 891ss.
- 45 Siricius, *Ep. Ad Afros*: . . . *cum in unum plurimi fratres convenissemus . . .*, ed. cit.: 86.
- 46 On Old and New Testaments and relations with Judaeism: cf. T. Sardella, *Ebrei e cristiani tra somiglianze e dissimiglianze: cibo e sesso nella normativa italica tra IV e inizi del V secolo*, in *Religion in the History of European Culture*. Proceedings of the 9th years annual conference and IAHR special Conference (14–17 sett. 2009), a cura di G. Sfameni Gasparro-A. Cosentino-M. Monaca, Officine di studi medievali, Palermo Messina (Italy), Messina 2012, pp. 325–47.
- 47 Cf. *supra*.
- 48 Hier. *Adv. Helv.*; Aug., *Haer.* 84.

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‘Bishops, Judges and Emperors: CTh 16. 2. 31/ CTh 16. 5. 46/
Sirm. 14 (409)’^{*}

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Law in the Late Roman Empire was an intellectual, rhetorical and political construct and a means of social control. Despite the *inscriptio* of the *constitutiones* and the use of imperative verbs (*mandamus*, *decretamus*, *iubemus*, *praecipimus*) some laws issued by the imperial chancery and compiled in book 16 of the Theodosian Code, which deals exclusively with religious matters, were not the product of unilateral decisions by the chancery nor directly promoted by the emperor, but were given after petitions from a party as a response to specific requests.¹ Moreover, an historical contextualization of religious laws through other types of mainly historiographical and patristic sources, reveals that their application was determined by the level of cooperation between governors and local authorities. They, in turn, operated at specific times and places and therefore a casuistic analysis of these laws must be conducted.²

The purpose of this chapter is to analyse the law given by Honorius in 409, transmitted in the *Collectio Sirmondiana* under number 14, and extracted in two *constitutiones* from *Codex Theodosianus* 16: CTh 16. 2. 31/ CTh 16. 5.46. Its collation with Augustine’s epistolography reveals the form of interaction between bishops, emperors and judges in the issuing and enforcement of the laws during a period of religious conflict, as well as casting light on the relevance of episcopal *legationes* and *litterae* as a method of informing and shaping the imperial will.

As is well known, the *Collectio Sirmondiana*, whose name is derived from its first editor, Jacques Sirmond, in 1631, contains 21 *constitutiones* dated to between 333 and 425, mostly dealing with ecclesiastical matters. The material was gathered in Gallic clerical circles in the first half of the fifth century, soon after the public promulgation of the *Codex Theodosianus* (AD 438), with the aim of preserving some laws which had not been compiled in the *Codex* or which had been abridged or only partial preserved and were of particular interest to the clergy.³ It was transmitted independently from the *Codex Theodosianus* and constitutes a very useful tool to compare and ascertain the methods of codification and editing used by compilers as well as the level of compliance to the guidelines set by Theodosius II (CTh 1.1.5. 429; CTh 1.1.6. 435). The authenticity of the collection has been the subject of debate ever since Godefroy considered it the work of a forger in the eighth century, though nowadays most scholars, with a few exceptions, accept it as genuine.⁴

Sirmondian constitution 14: Violence against clerics and judicial negligence in Africa

Sirmondian constitution 14 was issued by the chancery of Honorius in Ravenna on 15 January 409⁵ and is addressed to Theodorus,⁶ the praetorian prefect of Italy, Illyricum and Africa. Its structure is complex: the first part has a long preamble followed by its provisions and penal clause, both retroactive. The second part is a set of lengthy statutory provisions for the future which the compilers of the *Codex Theodosianus*, in line with their editing methods,⁷ interpreted and divided into two *constitutiones* included in titles 2 (*De episcopis, ecclesiis et clericis*) and 5 (*de haereticis*).

As the preamble states, the *occasio legis* was the violence exerted upon the *religio christiana* and the lack of punishment against its perpetrators because of the *coniuventia* and fraudulent negligence (*dissimulatio*) of the judges. The emperor became aware of the facts through *testificatio publica*, that is through testimony given in public by an informer and through a memorandum (*addiscimus, comperimus, memoratur*).

These events, which were harshly criticized by the legislator (*sceleris nefas et immane flagitium*), had taken place openly in several cities within the province of Africa (*per prouinciam Africam, commissum in ciuitatibus publice*) and consisted of abduction, torture and physical and moral abuse (*iniuria*⁸) of clerics (*antistites legis Christianae*, in plural), who had been dragged away from their homes or churches and mutilated and publicly displayed (*alios . . . iniuriam auulsa capillorum parte foedatos uel alio iniuriae genere deformatos concurrentium speculis exhiberent*).

The accusation against judges is twofold: complicity and deliberate failure to prosecute the guilty and lack of fulfilment of the *debita cura referendi*, by failing to make a report to the emperor through the vicar or prefect. The emperor categorically states that he does not believe it was possible for the *iudices* to be unaware of the facts for two reasons: the public knowledge of these events and the obligation of authorities and local officials, that is the *magistratus, ordo* and the *apparitor stationarius* to report these matters to the judges. None of them would have remained silent about what the governor could have come to know through other means, unless they knew that the *iudex* did not wish to punish the guilty (*ignorari ab his potuisse non credimus*).

This detailed description of the situation is followed by the sentence which was probably present in the memorandum submitted to the emperor or uttered in the *testificatio publica*. This serves as the foundation of the provision: namely that only the *uigor* of the authorities or the *fides* of the *iudices* can protect bishops and ministers of the *ecclesia catholica* from the *audacia* of the *pessimi*. The Catholic Church seems to be acting in unsafe circumstances.

Consequently, in order to put an end to the *pessimi*'s impunity, Honorius' chancery, using a verb of power (*iubemus*), orders the different judges of Africa to seek out those who are said (*dicuntur*) to have perpetrated those acts, to prosecute them, and once their part in them had been established (*manifesta probatione*), to sentence them to work in the mines or to deportation and confiscation of their properties, regardless of their *dignitas* and *honos*.

These were the provisions of the first part of Sirmondian constitution 14, which was an

attempt to deal with episodes of violence against the clergy in various, unnamed, cities in Africa, and the passivity of the judges there. The collective identity of the alleged offenders is not specified. *Criminosi, pessimi, eos qui talia commisisse dicuntur* are the terms used to identify the authors of physical injuries and verbal attacks which had been endured by clerics, they are not, however, called Donatists, heretics or pagans.

The purpose of the legislator was not only to punish these particular acts of outrage against the clergy which had remained unpunished, but also to issue a general law foreseeing future situations.

In the second part of the constitution, provisions for the perpetuity and general practice of the law are set forth with regards to its enforcement. The prefect Theodorus is asked to circulate its contents by sending letters to the authorities and posting it up in public (*propositio*). Next, there is a detailed list of the punishments contemplated for the future cases. These regulations are preserved as an independent *constitutio* in *CTh* 16, 2, 31, and include a *capitalis sententia* for anyone who, on breaking into churches, acted violently not only against the clergy, but also against the cult itself or the *locus* where it took place – acts which are deemed as *genus sacrilegii*. It also sets forth the duties of the local authorities (*ordines*, magistrates, the *curator ciuitatis* and *apparitores satationarii*) and the governor (*moderator prouinciae*⁹). The former must identify the authors of these actions and report by *litterae* to public *potestates*; the latter must try and punish convicted criminals without waiting for the bishop to demand the suppression of violent acts against him, as had previously been the case (*nec expectet, ut episcopus iniuriae propriae ultionem deposcat*) since given that these acts were considered a *crimen publicum*, anyone could denounce them.

The casuistry included in the law regarding the identity of the guilty reveals that in some cities crowds had been involved in the attacks on churches (*si per multitudinem commissum dicitur*) and that, in some cases, they were armed and hid in inaccessible places which meant that the actions of the *apparitores*, *ordines* and *possessores* were not enough. The law entitled the governor of Africa to seek military assistance from the *comes Africae (armatae apparitionis praesidium)*, Heraclianus at this time,¹⁰ in order to prevent this from happening in the future and to prevent any criminals from escaping.

Like the first part, this statutory part of the law does not identify those referred to *mali (malorum audacia)* in religious terms, but the third part, which is shorter and preserved as *CTh* 16, 5, 46, under the title *de haereticis*, does. Indeed, it confirms that the laws, in particular those issued by Honorius himself, against Donatists, who are mentioned by name, and other heretics and against those who could not be persuaded to convert to the cult of Christian communion, namely Jews and pagans, would remain fully enforceable and judges are warned that they are obliged to ensure their *executio*.

Finally, the law ends as it begins, by alluding to *iudices* and threatening them with strict penalties (the loss of their *dignitas* and a more violent reaction which is not specified) should they by *coniuentia* or *ars dissimulandi* fail to fulfil their duty to enforce the law. In the case of the *officium*, a penalty of 20 pounds of gold was imposed for complicit silence. Finally, members of municipal councils who concealed acts of violence perpetrated in their own cities or *territoria* were to be punished with deportation and the loss of their properties.¹¹

In short, violence against clerics perpetrated by Donatists, heretics, Jews and pagans was to

be prosecuted and all the laws against them were confirmed as fully enforceable.

Bishops and emperors: *legationes*, *litterae* and *commonitorium*

Religious disputes which had included outbursts of violence had taken place in several cities in Africa. The rights of the clergy had been breached and the judges concerned had failed to enforce the law. Honorius became aware of these events through *testificatio publica* and through a *memorandum*.¹²

In the second half of 408 at least four African clerics travelled to Ravenna and they may have been the ones who reported the violent events to the emperor.¹³ The first was Fortunatianus of Sicca,¹⁴ whose journey was commissioned by the annual council of Carthage, held on 16 June 408, just ten days after the proconsul of Africa, Porphyrius, had published Sirmondian constitution 12 in the forum of Carthage.¹⁵ The legation was directed against pagans and heretics (*legationem iterum suscepit episcopus Fortunatianus contra paganos et haereticos*¹⁶). Its aim was probably to report the failure to enforce recent laws. Fortunatianus had in fact previously visited the imperial court: on a *legatio* which had been commissioned by the council of Carthage on 13 June 407. On this mission he had been accompanied by Vincentius, *episcopus ecclesiae Culusitanae*. The bishops had delivered two specific petitions to the court: to be granted permission for the church to have *defensores scholastici* in judicial matters and for the enactment of further measures against Donatists and pagans.¹⁷ *Constitutiones CTh* 16, 2, 38, *CTh* 16, 5, 41 and Sirmondian constitution 12 (abridged in *CTh* 16, 5, 43 and *CTh* 16, 10, 19), may be perceived as the imperial response to the requests made by this embassy.¹⁸ The intention of Sirmondian constitution 12, addressed to the praetorian prefect Curtius,¹⁹ was, as explained in the preamble, to enhance the strength of the laws against heretics and pagans by repeating the prohibitions and punishments set forth against them. But in the second part of its provisions the celebration of *conuiuia* and *sollemnitates* was banned and, in a new form of enforcement, bishops were given authority to ban them *manus ecclesiastica*.²⁰ As is well known, Theodosius did not abolish official pagan festivals, although he did ban *certamina circensium* on Sundays (*CTh* 2, 8, 20. 392).²¹ In his turn, Arcadius removed the public nature of pagan festivals but did not ban them.²² But in a *constitutio* addressed to the proconsul of Africa, Apollodorus,²³ Honorius, in 399 (*CTh* 16, 10, 17), expressly authorized festive assemblies (*festos conuentus ciuium*) and *conuiuia*, provided no sacrifices or other reprehensible superstitious ceremonies were conducted.

There are further testimonies to the persistence of pagan celebrations in Africa. Between 390 and 391, the grammarian, Maximus of Madaura, explained to Augustine that in the forum of his city prayers were said to the gods and propitiatory sacrifices were made.²⁴ A *constitutio* of 399 addressed to the proconsul of Africa decreed that all the statues which were still being worshipped should be placed under the control of the governor. The same *constitutio* stated that anyone caught (*deprehensus*) in the act of performing a sacrifice should be punished in accordance with the law (*CTh* 16, 10, 18).²⁵

Leniency towards pagan celebrations was not exclusive to African judges. In fifth-century Rome itself, as attested by Pope Gelasius,²⁶ two ancient rites were performed with the active participation of the public and civil authorities, the *lupercali* race²⁷ and the procession in honour of Castor and Pollux. Finally, Polemius Silvius in his *Laterculus* of 449, included with equal weight traditional *feriae* of the city and Christian festivals,²⁸ though the former were not official.

We can see that Fortunatianus' request was a necessary one, if we consider the reason behind the journey of a second African bishop, Possidius of Calama, who decided to travel to Ravenna in the second half of the year 408.²⁹ His visit to the imperial *comitatus* must have been authorized either by the council of Carthage of June 408 or that held the following October. The church council of 407 had resolved that bishops who wished to be granted an imperial audience should be in possession of the document of authorization given by the council or by the provincial Primate and later ratified by Rome before addressing the emperor.³⁰ The Africans acted as a filter to control direct episcopal communication with imperial power. They also wished to highlight the validity of regarding the council's views as a source of consensus and orthodoxy as opposed to individual initiatives, among which could be the acts of heretics. This demand for prior permission was a formality dictated out of caution but also out of the desire to monopolize this form of access to the imperial presence.

In the case of Possidius there is a great deal of information about the attack on the church and clergy of his city. The Kalends of June 408 a pagan festival had been organized (*sollemnitatis agitata*) which in the words of Augustine, (whose epistle 91, written in August of that same year, is the main source regarding these events) violated *recentissimas leges*.³¹ A procession of pagans defiantly passed the church of the city displaying the statue of a deity,³² without being stopped by any authority (*nemine prohibente*). Not even in the times of Iulianus, says Augustine, had the pagans dared to come close to the church. When the clerics tried to stop the celebration (*rem illicitissimam atque indignissimam clericis prohibere temptantibus*), the pagans reacted to their interference by throwing stones at the church (*ecclesia lapidata est*). The situation quickly deteriorated. Eight days later, on 9 June, the Catholic bishop Possidius requested in person that the local council (*ordo*) enforce the laws which were known to all (*cum leges notissimas episcopus ordini replicasset*). While the authorities seemed to be ready to implement the *iussa*, the church was stoned once more. Finally, on a third attempt on the following day, the 10th of June, the bishop wished to deposit a written testimony of these events in the public records (*apud acta dicere uolentibus*), but he was refused the *iura publica* (*publica iura negata sunt*). That night, local authorities again declined to act and not only were stones thrown at the church for the third time, but religious buildings were also set alight while their personnel were still inside. One person died as a result (*unum seruorum dei*), though the bishop managed to save his life by hiding elsewhere. These violent riots, which went on for hours, ended thanks to the intervention of a traveller (*peregrinus*), with no assistance for the clerics coming from anybody in the city, *ciues* or *primates* (*nemo compescere, nemo subuenire, temptauit illorum, quorum esse grauis posset auctoritas*).

Soon afterwards, Augustine travelled to the city to meet the two parties in conflict,

Christians and pagans, with no apparent results.³³ The local authorities of Calama, who were probably pagan, ignored Augustine's advice, something which may reveal the lack of influence bishops had over powerful local magistrates who were unreceptive to what they viewed as meddling within their own spheres of influence.³⁴ Finally, the Bishop of Calama, probably at Augustine's behest, resolved to seek the direct assistance of the imperial court.³⁵

Augustine's visit to Calama might have occurred before or after the opening of the council of Carthage of 16 June, in any event it took place before August 408, when he wrote epistle 91.³⁶ In the interval, that is, between his visit to Calama and the writing of the letter, an eminent citizen from Calama, Nectarius, probably a pagan,³⁷ had interceded before Augustine imploring clemency for those involved in the riots (*Ep.* 90). Augustine's epistle 91 is a response to Nectarius' petition. In it he underlines the inaction both of the *ciues* and of the city authorities,³⁸ though he does not mention the *iudices*. The violence described in the epistle is attributed to pagans and includes repeated attacks on the church with stones, the burning of the building while the clerics were inside, looting, the death of a *seruus dei* who confronted them, and a search for the bishop with the intention of killing him.

Augustine had probably read Sirmondian constitution 12 when he wrote epistle 91 in August 408. He uses similar expressions to those found in the constitution to refer to the pagan festival and to the bishop's intervention:³⁹ Where Sirmondian 12 states *Non liceat omnino . . . sollemnitatis agitare*, Augustine writes *sacrilega sollemnitas agitata est* (*Ep.* 91, 8); and while Sirmondian 12 grants that local bishops are entitled to oppose, *prohibendi*, these acts *manus ecclesiastica*, Augustine uses the verb *prohibere* to refer to the clerics' actions to try to stop the procession (*Quam rem illicitissimam atque indignissimam clericis prohibere tentantibus, ecclesia lapidata est*).

Bishops had to be aware of the laws⁴⁰ as by virtue of the *episcopalis audientia*, they were bound to judge in civil matters on the basis of Roman law, regardless of their personal beliefs.⁴¹ Augustine's correspondence, including new epistles edited by Divjak,⁴² reveals that not only had he knowledge of the laws but also kept copies of them.⁴³ He even attaches them to his correspondence. In epistle 114, addressed to Florentinus,⁴⁴ a *comes officialis* subordinate to the *comes Africae*, he not only reminds the officer of the law that he must enforce in a specific case of which he seems to be unaware of, but also sends him the text of the law along with his letter.⁴⁵ He also knew the *Codex Gregorianus*.⁴⁶

Yet, given the chronology of the events in Calama, its distance from Carthage, and the date of *propositio* of Sirmondian 12 (5 June 408 in Carthage), it is unlikely that the *recentissimas* and *notissimas leges* Augustine mentions in his letter, in the plural, refer to the aforementioned Sirmondian.⁴⁷ It is more plausible that he is referring to the anti-pagan legislation issued by Theodosius and his sons.⁴⁸ By 1 June, the date of the pagan procession, Honorius' permissive legislation regarding festive gatherings and *conuiuia*, addressed to Apollodorus, the *proconsul Africae* in 399 (*CTh* 16, 10, 17) remained in effect for pagans and the magistrates of Calama.

Another episcopal *legatio* set off for Ravenna in October 408. A second council, held in Carthage on 13 October 408, appointed two envoys, Restitutus,⁴⁹ the *episcopus Nouasinnensis*, from an unidentified See of Numidia, and Florentius of Hippo Diarrhytus from the Proconsular province of Africa,⁵⁰ to address the court and demand new laws against

heretics and pagans. In this case we know the reasons behind their demands: the execution of Stilicho on 23 August 408 and the purge of his partisans which had boosted the Donatists' expectations in Africa.⁵¹ They circulated the news that the laws promulgated under Stilicho were no longer applicable and displayed fake indulgences granted to them in their favour.⁵² The uncertainty which ensued on the death of the mighty *magister militum* caused various episodes of revenge against well-known Catholics.⁵³ Serious incidents occurred in several cities resulting in the murder of two bishops, Seuerus and Macarius, whose sees were located in the vicinity of Utica.⁵⁴ Three others, Evodius, Bishop of Uzalis, Theasius, *episcopus plebis Memblonitanae* and Victor, Bishop of Utica, *propter eorum causam*, were beaten and injured.⁵⁵ Evodius and Theasius had steadfastly opposed Donatist positions and were experienced *legati*: in June 404 they had been sent before the emperor to request the laws against heretics be implemented against Donatists.

Following the death of Stilicho, the seriousness of the situation in African cities as a result of Donatist acts of violence, known to us through the registries of the council, is confirmed by Augustine's epistle 97. This was delivered to the court in Ravenna by a presbyter from Milevi whom Augustine used as a messenger and who was the fifth African cleric to visit Ravenna in 408, to deal with a specific and urgent matter. The letter was probably written in November 408 (the journey took place, according to Augustine, *media hieme*) before the council's envoys sent to report to the imperial *comitatus*, mentioned in the letter, had reached their destination.⁵⁶ It was addressed to Olympius, a Christian⁵⁷ who had been promoted to the post of *magister officiorum* after the fall of Stilicho. He had already received a law from Honorius on 14 November whereby all enemies of the *secta catholica* were excluded from the *militia intra palatium* on the grounds that anyone who dissented from the *fides catholica* could not take part in the imperial service (*CTh* 16, 5, 42. 408).

The *magister officiorum* did not participate directly in drafting the law. This task was allocated to the *quaestor sacri palatii*, who did not have his own *officium* and had to resort to the *scrinia* under the management of the *magister officiorum*, that is, the *scrinia memoriae*, *epistularum* and *libellorum*. All three *magistri*, and above all the *magister memoriae*, collaborated in shaping the laws,⁵⁸ as is corroborated by the testimonies of Claudianus and Rufinus.⁵⁹ Furthermore, the *magister officiorum* could influence the attention given to appeals made by bishop-envoys from the council: he was in charge of protocol and, through the *officium admissionum*, controlled and decided access to imperial audiences both for individual citizens or municipal or, as in this case, episcopal legations.⁶⁰ And he was a full member of the *consistorium*, where laws were debated prior to being drafted by the *quaestor*.

By addressing his letter to Olympius, the *magister officiorum*, Augustine was aiming directly at one of the key men in the imperial court following Stilicho's death in the summer of 408 and not for the first time. He had already sought Olympius' assistance in a complex case implicating Bonifatius of Cataqua (*Ep.* 96) in September 408.⁶¹

The arrival of these African clerics in Ravenna may have been delayed. They were forced to stop over in Rome to be granted letters of communion and moreover there were difficulties as a result of Alaric's raids in Italy in 408.⁶² Augustine's epistle, instilled with urgency, shares the aim of the conciliar envoys: to request an explicit confirmation from the *magister* that the laws

concerning the destruction of idols and the correction of heretics which had been sent to Africa while Stilicho was still alive had been given on Honorius' initiative, not on that of Stilicho, and therefore remained fully in force. The *inimici ecclesiae* were spreading false rumours in this respect and inciting violence against the Catholic clergy. This confirmation of these laws was the aim of the African Church, which had commissioned its envoys to appear before the imperial *comitatus* for this purpose.⁶³ Augustine tried to speed up the process by making use of the presbyter's journey and relying on the *fiducia* he felt towards the imperial official. The messenger carried a *commonitorium* along with the letter. Augustine asked Olympius to hand this over to the conciliar envoys on their arrival so they could make a joint petition.

The anti-pagan laws Augustine referred to must have included, both Theodosian laws and Sirmondian constitution 12. The laws against heretics were all those issued by Honorius after the so-called edict of union of 405 (*CTh* 16, 6, 4) which had meant the effect that Donatists were legally classed not as members of a sect banned since the time of Constantine, but as heretics because of the crime of sacrilegious reiteration of baptism.⁶⁴ From 405 onwards this strict legislation against heretics, in particular, the confiscation of property, perpetual banishment and loss of testamentary rights or that to receive bequests could be enforced against Donatists.⁶⁵ The compilers of the *Codex Theodosianus* included the legislation against Donatists issued after the edict of union with the Catholics under title 5 (*de haereticis*). Most previous laws appear in a separate title, number 6, under the indicative heading *ne sanctum baptismum iteretur*.

Sirmondian constitution 14 was issued in this context in Ravenna on 15 January 409. In Calama, pagans were challenging imperial laws with their public celebrations. They had stoned, looted and set fire to the church amid violent riots in which one person was killed. In other cities in Africa, the enforcement of anti-pagan laws and those against heretics was limited and needed to be consolidated, as the registry of the council of Carthage of 16 June reflects. Also, after the death of Stilicho (23 August), pagan and heretical *inimici ecclesiae* refused to accept the validity of the laws issued against them under his rule and sought revenge against the most prominent Catholics, resulting in the death of two bishops and three others injured.

Three council envoys and Possidius had travelled to Ravenna in the second half of 408 to request imperial intervention in the form of the issuing of new laws. Before the envoys arrived, in order to hasten the issuing of an ad hoc law, Augustine sent an *epistula* and a *commonitorium* to Olympius, the *magister officiorum*. In this he probably described in detail the aforementioned violent riots involving pagans and Donatists and the lack of collaboration from the *iudices* in the enforcement of the laws. Augustine more than likely wrote his epistle 97 in November 408. By then he had already received a positive response from the court to his epistle 96 written in September of the same year since he praised the *religiosa oboedientia* of Olympius and alludes to the *maior fiducia* which prompted him to write to him once more (*Ep.* 97, 1). If the presbyter travelled *media hieme*, the letter must have arrived by the end of December 408.

Olympius had direct access to the emperor. His ability to take part in drafting laws, the short period of time elapsed since Augustine's epistle and *commonitorium* arrived in Ravenna and the Sirmondian constitution 14 was issued as well as the coincidences between both texts

allow us to presume that the Sirmondian constitution was made upon Augustine's request (*quod petendo uel suggerendo admoneo praestantiam tuam*). The African bishops, Possidius among them, were probably also heeded⁶⁶ This constitution states that violence and fraudulent negligence on the part of judges had been revealed by *testificatio publica*, though bishops are not directly mentioned as informers,⁶⁷ and it implicitly alludes to a *memorandum* (*memoratur, dicitur*).

The events narrated in the first part of the Sirmondian constitution 14, however, do not exclusively refer to what happened in Calama.⁶⁸ Augustine, in epistle 91, blames pagans from Calama for the attacks on the church and clergy, highlighting the burning and looting of the church and mentions one person was left dead as a result. In Sirmondian 14, the authors of violence against churches and affronts against the clergy are not labelled as pagans (*criminosi, pessimi, eos qui talia commisisse dicuntur, mali*); the crime perpetrated is deemed an *iniuria* and *sacrilegium*. The physical outrages endured by the *antistites legis Christianae* (in plural) are described in detail and the anti-Catholic violence perpetrated in several cities in Africa is recorded. The only point in common between the incidents described in Augustine's epistle 91 and the events which were the genesis of the Sirmondian constitution 14 is the condemnation of the inaction of the authorities. Yet, while Augustine accuses the *primates* of the city of Calama (*quos in illo oppido plurimum posse*), Honorius puts the emphasis on the *iudices per Africam*. Whereas Augustine ponders the need to validate the laws *de idolis confringendis et haereticis corrigendis* in his epistle 97, Honorius distinguishes those to whom the law concerns: Donatists and other heretics (Manicheans, perhaps), Jews and pagans.

The text of the law begins and ends with the same question: the preamble enunciates the reason for the law, namely violence against the church as a result of the *coniuentia* and *dissimulatio* of lax *iudices*. The law concludes with the punishment for *iudices peccato coniuentiae, dissimulandi arte*. The legal and formal coherence of the text reveals its unity and purpose: to prevent Donatists and pagans fundamentally from exerting violence upon the clergy and to force *iudices* to implement the law retroactively. Sirmondian 14 is consequently the response, in the shape of a law, to the episcopal legations *contra paganos et haereticos*, though Augustine's petition (*Ep.* 97) and his *commonitorium* must have been decisive in this regard.

Augustine's direct role in the issuing and content of the law could account for the appeal made by the Bishop of Hipona to the *proconsul* of Africa and the second entreaty for clemency made by Nectarius to Augustine.

Regarding the former question, Brown, Russell and Lamirande, more recently, among others,⁶⁹ have studied Augustine's attitude towards religious coercion. This may be defined as contingent, that is, varied and variable, versatile as dictated by circumstances and not without changes in attitude and different approaches in different circumstances.⁷⁰

In this case, while Augustine requested the distant emperor in Ravenna to corroborate the harsh laws against pagans and heretics, he also wrote to Donatus, the proconsul of Africa and a Christian,⁷¹ who was closer to Hippo, asking him to enforce in a moderate though efficient and diligent manner the laws enacted against heretics against Donatists. In epistle 100, traditionally dated to the end of 408 or beginning of 409,⁷² Augustine entreats (*obsecramus, quaesumus*) the

proconsul to refrain from implementing the *potestas occidendi* in ecclesiastic cases for *iniuriae* because clergymen, who had to act as prosecutors, may not be involved in the death of their enemies. The ultimate reason to bring them before the court was to reform, not kill, them: *corrigi eos cupimus, non necari*. If the death penalty is used against the *inimici ecclesiae*, Catholics shall desist from accusing them and the Donatists' impudence will increase, claims the bishop. Yet, – and this is the main objective of his letter –, he urges the governor to validate the applicability of the laws against Donatists. They could thus be irrefutably convicted as heretics as set forth by the law. This could be recorded *apud acta* by the judge or his subordinates so that the punishment could serve as an example to deter anyone who read those *acta*.⁷³

The fear to be seen as responsible for the death of citizens underlies Augustine's plea. His pastoral mission is incompatible with this. He also wishes to ensure the repression of Donatists through the enforcement of laws which prescribe exile, confiscations, fines and loss of testamentary rights, that is, civic death and social annulment, but not the death penalty itself. His request had the intention the governor would instil fear among heretics by making use of the legislation. Some time later, a law of 425 addressed to the proconsul of Africa by Valentinian III banning heresies, schisms and pagan practices stated that the norm was issued to terrify those deviating from the Catholic law (*CTh* 16, 5, 63). The punitive clauses of Sirmondian constitution 14 against those who exerted religious violence could apply equally to pagans and Donatists although the latter were Augustine's main concern.

Nectarius, the spokesman for pagans from Calama, perceived Augustine's key involvement in Sirmondian constitution 14 and in its correct enforcement. In March 409 he addressed the Bishop of Hippo for the second time requesting leniency in the prosecution of the guilty of the riots in his city, that physical punishments be avoided, and the innocent protected (Aug., *Ep.* 103).

Conclusion

Religious legislation was an innovation in the Late Roman Empire and its enforcement involved great difficulties. The provincial governors who, except in the period of the persecution of Christians, had tolerated religious diversity,⁷⁴ were to implement exclusion laws against pagans and heretical groups. In 408 some African bishops sought imperial assistance in the form of laws against the attacks from pagans and Donatists and the passivity of the *iudices*. The response given by Honorius' chancery was Sirmondian *constitutio* 14. The legal and historic contextualization of this law enables us to establish the shape of the interaction between bishops and emperors in the making of these laws. Conciliar legations and epistolary correspondence with imperial officials had an impact not only on their enactment but also on the tenor of the norm. In this case, Augustine's intervention before Olympius, the *magister officiorum* at the end of the year 408 was decisive.

Notes

- * This work is part of the Project of investigation HAR2008–04355/HIST, funded by MICINN (Madrid).
- 1 Harries 1999: 36–55; Matthews 2000: 168–99; Sirks 2008.
 - 2 Escribano 2013, forthcoming.
 - 3 Landau 1992: 37–45; Vessey 1993: 178–89; Matthews 2000: 121–67; Huck 2003: 181–96.
 - 4 Magnou-Nortier 2001: 279–303.
 - 5 Regarding the correction of the date from 412 transmitted in the *collectio* to 409, vid. Delmaire 2009: 530.
 - 6 Martindale 1980, ‘Theodorus’ 9, 1086–7. Cf. Sirm. 9 y 16.
 - 7 Honoré 1986: 133–222; Matthews 1993: 19–44; Id. 2000: 10–84; Sirks 2007; Atzeri 2008.
 - 8 Thome 1992: 73–98, esp. 76. Gaius. *Inst.* 3, 223: *poena . . . iniuriarum ex lege XII tabularum propter membrum . . . ruptum talio erat*. Bassanelli Sommariva 1990: 651–64.
 - 9 Carrié 1998: 17–30; Roueché 1998: 31–6.
 - 10 Martindale 1980, ‘Heraclianus’ 3: 539–40.
 - 11 Cf. *CTh* 16, 5, 9. 382; 16, 5, 12. 383; 16, 5, 15. 388; 16, 5, 24. 394; 16, 10, 13. 395.
 - 12 It does not say *suggestentibus episcopis* (Sirm. 2), *suggestio religiosa* (Sirm. 11) or *fida suggestio* (Sirm. 10).
 - 13 Hermanowicz 2004a: 165–98.
 - 14 Mandouze 1982, ‘Fortunatianus’ 4, 482–5 y ‘Fortunatianus’ 5, *ibid.*: 486–7.
 - 15 Martindale 1980, ‘Porphyrius’ 3, 900–1. Honorius had issued Sirm. 12 on 15 November 407 (arguments in favour of changing the traditional date from 25 November to 15 November in Matthews 2000, 150–1). This was posted in the forum of Carthage on 5 June 408. The law included both the rebuke to judges neglectful in their *executio legis* and a reiteration of the validity of the laws against Donatists, heretics and pagans, though no reference to anti-Catholic violence was made.
 - 16 Munier 1974, *Registri Ecclesiae Carthaginensis Excerpta* 106 (CCL 149: 219): *in hoc concilio legationem iterum suscepit Fortunatianus episcopus contra paganos et haereticos*.
 - 17 Munier 1974, *Registri Ecclesiae Carthaginensis Excerpta* 97 (CCL 149: 215).
 - 18 Matthews 2000: 151. Cfr. Hermanowicz 2004: 490–1.
 - 19 Martindale 1980, ‘Curtius,’ 331.
 - 20 Lizzi 2011: 467–91.
 - 21 *CTh.* 2, 8, 20. 392: . . . *quo Christianae legis ueneranda mysteria nullus spectaculorum concursus auertat*.
 - 22 *CTh.* 2, 8, 22. 395: *Sollemnes paganorum superstitionis dies inter feriatos non haberi olim lege reminiscimur imperasse*. Di Berardino 2005, 95–121; Id. 2006, 179–211.
 - 23 Martindale 1980, ‘Apollodorus’, 2, 119.
 - 24 Maximus Madaurensis in Aug., *Ep.* 16: 1–4. Lizzi 2011: 467–91; Cameron 2011: 30–1 and 383–4.

- 25 Delmaire 2004: 319–34.
- 26 Gel. *Ep. aduersum Andromachum* 18 y 19. Lizzi 2010: 273–303.
- 27 Hollmann 1974, 71 ss. North 2008: 144–60; McLynn 2008: 161–75.
- 28 *CIL* I 2, 1: 257–279; *Inscriptiones Italiae* 13, 2, 239 and 264, 241 and 265, 245 and 267, 253 and 271, 261 and 275. Salzman 1990: 242–6; Frascchetti 2000: 318 ss. Cameron 2011: 169.
- 29 Hermanowicz 2004b: 483–523; Ead. 2008: 156–87.
- 30 Merdinger 1997: 98–9.
- 31 Lepelley 1981: 97–101; Harries 1999: 90–1; Mratschek 2001: 224–32; Salzman 2006: 265–85.
- 32 Aug., *Ep.* 104, 5.
- 33 *Ep.* 91, 10: *Modo cum apud Calamam essemus, ut nostri in iam tam graui dolore uel consolarentur afflicti uel sedarentur accensi . . . Deinde etiam ipsos paganos, mali tanti caput et causam, petentes ut ab eis uideremur, admisimus, ut hac occasione admoneremus eos quid facere deberent.* Augustine’s initiative, probably requested by the Catholics from Calama, falls within the tradition of mediation and arbitration. Humfress 2001: 68–82; Lenski 2001: 83–97; Uhalde 2007: 50–2 and 77–104; Shaw 2011.
- 34 Di Berardino 1997: 45–79; Rebillard-Sotinel 1998; McLynn 1999: 29–44; Rapp 2005.
- 35 Aug., *Ep.* 95, 1: *Proinde ad istam laetitiam qua uobiscum est frater Possidius, cum ex ipso audieritis quam tristis eum causa compulerit, hoc me uerissime dicere cognoscetis.* Before reaching Rome, Possidius visited Bishop Memorius of Capua and Paulinus of Nola. Vid. on his itinerary Hermanowicz 2004a, 173 ss.
- 36 Aug., *Ep.* 104, 1, 1.
- 37 Mandouze 1982, ‘Nectarius’, 776–9.
- 38 Aug., *Ep.* 91, 8: *Nemo compescere, nemo subuenire tentauit illorum, quorum esse grauis posset auctoritas . . . per quem clarum factum est, quam facile illa uel omnino non fierent, vel coepta desisterent, si ciues, maximeque primates ea fieri perficique uetuissent.*
- 39 As pointed out by Hermanowicz 2004b: 487–8.
- 40 Lepelley 1998: 17–33 at 20; Catalbiano 2001: 373–88; Gallagher 2002: 9–18.
- 41 Selb 1967: 162–217; Huck 2008: 295–315.
- 42 Divjak 1981: 51–70.
- 43 Aug., *Ep.* 10* y 24*. Lenski 2001: 83–97.
- 44 Mandouze 1982, ‘Florentinus’, 1, 1468–9.
- 45 Cf. Aug., *Ep.* 113 y 115.
- 46 In *De adulterinis coniugiis* 8 he cites a passage *apud Gegorianum*. Lenski 2001: 83–97, n. 22.
- 47 Arguments in favour of the identification in Hermanowicz 2004b: 488–91.
- 48 *CTh* 16,10,10. 391; 16,10,11. 391; 16,10,12. 392. 16,10,13.395. Errington 1997: 398–443; Bonamente 2009: 25–59; Lizzi 2011: 467–91.
- 49 Mandouze 1982, ‘Restitutus’, 4, 971.
- 50 Mandouze 1982, ‘Florentius’, 4, 471–3.
- 51 Frend 1952; Zocca 2004: 109–30; Tilley 1997: 21–35.

- 52 Aug., *Ep.* 105, 6.
- 53 Marone 2007–8: 1–11.
- 54 Mandouze 1982, ‘Severus’, 2, PCBE 1, 1075; ‘Macarius’, 2, *ibid.* 658.
- 55 Munier 1974, *Registri Ecclesiae Carthaginensis Excerpta* 106 (CCL 149: 219): *Item concilium contra paganos et haereticos . . . in hoc concilio susceperunt legationem Restittus et Florentius episcopi contra paganos et haereticos, eo tempore quo Seuerus et Macarius occisi sunt, et propter eorum causam Euodius, Theasius et Victor episcopi caesi sunt.* Mandouze 1982, ‘Evodius’, 1, 1366–373; ‘Theasius’, *ibid.* 1105–6; ‘Victor’, 23, 1161.
- 56 Aug., *Ep.* 97, 2: *Et fratres quidem multi sancti collegae mei, grauiter ecclesia perturbata profecti sunt pene fugientes ad gloriosissimum comitatum, quos siue iam uideris, siue litteras eorum ab urbe Roma opportunitatis cuiusquam occasione acceperis: ego tamen licet nullum consilium cum eis communicare potuerim, non potui praetermittere per hunc fratrem et compresbyterum meum, qui urgente necessitate pro salute ciuis sui, etiam media hieme quomodocumque ad illas partes uenire compulsus est.*
- 57 Martindale 1980, ‘Olympius’, 2, 801–2; Aug., *Ep.* 96, 1.
- 58 *Not. Dig. Occ.* 10. (Quaestor). *Leges dictandae. Preces. Habet subaudientes adiutores memoriales de scriniis diuersis.* 17. *Magister memoriae annotationes omnes dictat, et emittit; respondet tamen et precibus. Magister epistolarum legationes ciuitatum et consultationes et preces tractat. Magister libellorum cognitiones et preces tractat.* Harries 1988: 148–72; Honoré 1998: 1–29; Matthews 2000: 179 ss.
- 59 Claudian. *Pan. dict. Manlio Theodoro cons.* 1144. Rufinus, *hist. eccl.* 11, 16; Soz. *hist. eccl.* 7, 13. Cfr. *CTh* 16, 1, 4.
- 60 *Not. Dig. Occ.* 9. Clauss 1980; Aiello 2001: 137–63; Castello 2010: 99–116.
- 61 Aug., *Ep.* 97, 3. Mratschek 2001: 228; Rebillard 1998: 144–6.
- 62 Vannesse 2009: 468–70.
- 63 *Ep.* 97, 2: *Et fratres quidem multi sancti collegae mei, grauiter ecclesia perturbata profecti sunt pene fugientes ad gloriosissimum comitatum.*
- 64 Vid. *CTh* 16, 6, 3, 16, 6, 4, 16, 6, 5, 16, 5, 38. Tilley 2007: 1–21.
- 65 Augustine’s contribution to the criminalization of heresy has recently been analysed by Buenacasa 2010: 393–410.
- 66 Augustine presumes they have not arrived: *Ep.* 97, 4: *Commonitorium quod misi fratribus episcopis, si, ut puto, nondum ibi sunt, ab eximietate tua illis tradatur, cum uenerint.*
- 67 Cf. Hermanowicz 2004b: 505.
- 68 Cf. Harries 1999: 90–1; Hermanowicz 2004b *passim*; Mratschek 2001: 224–32.
- 69 Brown 1964: 107–16; Russell 1999: 115–30; Lamirande 2009: 1038–46; Gaumer-Dupont 2009: 345–71.
- 70 Aug., *Ep.* 95, 3: *Quid dicam de uindicando uel non uindicando? . . . Quis etiam sit uindicandum modus . . . quam profundum et latebrosum est! . . . quod cum etiam faciendum uidetur, quatenus fiat, quantae cura ac timoris est . . .*
- 71 Mandouze 1982; Donatus 24: 309–10. Augustine also sent him *Ep.* 112 in the end of 409 or in 410.
- 72 McLynn 1999: 29–44 dates it to soon after the death of Stilicho, to the end of August 408 or

beginning of September. Hermanowicz directly links it to the consequences of Sirmondian constitution 14 and dates it to March–April 409.

73 Cf. *Ep.* 10*, 4 to Alypius regarding the trafficking of persons in Africa.

74 Gwynn-Bangert (eds) 2010, *passim*.

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Bishops, Heresy and Power: Conflict and Compromise in *Epistula* 11* of Consentius to Augustine¹

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Since its discovery by J. Divjak in 1979, *Epistula* 11* of Consentius to Augustine, one of the new letters in a series of correspondence of Augustine,² has unearthed many issues pertaining to the role of bishops, in light of the controversies that arose in their sees. It shows how a resolution to a conflict involving one of the most powerful families of the Tarraconensis accused of heresy was reached through a compromise involving sanctuary, the *episcopalis audientia* and councils as well as the criteria of *affinitas* and power. It also notes how the scale of this controversy was such that it was not limited only to the bishops of the Tarraconensis, but had repercussions that extended to the bishops of Africa and Gaul.

Fronto's challenge

In *Epistula* 11* Consentius, an aristocratic layman of a theological bent,³ contacts Augustine to discuss strategies to help combat the threat of heresy. He alludes to an effective tactic used by a monk named Fronto in Tarraconensis⁴ based on the practice of pretending to be a heretic in order to help find and denounce others. As a result of his espionage, Fronto had managed to win the faith and trust of Severa, a supporter of heterodox creeds (*Ep.* 11*, 1–2) and who disclosed notable incidents of corruption and heresy involving some of the most significant churchmen of the region. Among these was one of her relatives, a wealthy presbyter called Severus, who, like herself, was linked to one of the most prestigious families of Tarraconensis, that of the *illuster comes hispaniarum* Asterius, which had strong family ties with the Theodosian dynasty.⁵

As the story reveals, Severus had been travelling to his property in the countryside when a group of barbarians attacked him, stealing three large codices from his luggage. The barbarians, wanting to sell the volumes, took them to the neighbouring city of Ilerda, but upon noticing that they were heretical, decided to give them instead to Sagittius, the bishop of the town. Sagittius, himself interested in magic, examined the codices and, realizing part of their content was related to this subject, decided to tear out these pages and keep them for himself. He created a new volume with the remaining, less pernicious passages, which he sent to Titianus, the metropolitan of Tarraconensis, together with a letter in which he described the vicissitudes related to the codices. Titianus, in turn, decided to delegate the resolution of the

affair to Syagrius, bishop of the See of Osca, the very place in which Severus himself had been ordained. Syagrius, who was a very naive man, was easily swayed by the presbyter's claim that he had inherited the codices from his mother and unaware of their heterodox content. Subsequently, he returned the codex to him. Later, Severus would also retrieve the other two codices from Sagittius, although on that occasion he had to pay a fee (ibid. 2–3). Upon learning of these events, an incensed Fronto sought to denounce them at the ecclesiastical court in Tarraco.

The response of the bishops

Severa's initial response to Fronto's accusations was one of acknowledgement and acceptance, but upon witnessing Severus being charged and how he hid behind the power of the *comes* Asterius to evade the accusations, she decided to deny everything and take refuge in the palace of the *comes* (ibid. 4).

With the support of the great powers and the ascendancy of Asterius in the city, Severus responded to his punishment by accusing Fronto of being a *delator*. This accusation in turn led to the metropolitan Titianus convening an ecclesiastical court to try to resolve the controversy and to determine whether the accusations made by, and against, Fronto could be substantiated. Fronto was placed in an invidious position by his claims which had been made against fierce rivals who could depend on the support and backing of most of the bishops and the crowd.

During the ecclesiastical proceedings, Bishops Sagittius and Syagrius were asked to bring the codices which, according to Severus's testimony, they still had in their possession, to Tarraco. Meanwhile, Severus had sent a letter to Asterius, who at that time was in charge of an important military campaign, expatiating upon Fronto's accusations concerning his relatives and also those made against himself. Thereupon, Asterius came to Tarraco with his retinue, seeking to speak with Fronto in his *praetorium*. However Fronto, whose life was threatened by the crowd, sought refuge in sanctuary and asked to meet Asterius in the church. Thus, at the episcopal chancellery, Asterius and the bishops listened to the accusations put forward by Fronto, during which time the monk was keen to assure Asterius that his accusations were not directed at him personally but rather at his relatives, insisting that he was not slandering him. Reiterating his orthodoxy and asking Fronto for his prayers, Asterius duly returned to his military campaign and left his abandoned family to their fate (ibid. 7–11).

It was at this stage that one of the principal servants of the *comes* decided to take the law into his own hands and tried to kill the whistle-blowing monk, although his efforts were in vain as he was not allowed to violate sanctuary. Some days later, the servant died, which Fronto deemed to be an act of divine vindication (ibid. 12–13).

Meanwhile, Bishop Sagittius received the letter from Titianus asking him to present the codices at the episcopal court. He was still wary of trusting Severus and having been left uninformed as to what was happening, sent a secret letter to Syagrius. In this letter he explained how he had sent the codices through his deacon Paulinus, but Paulinus claimed not to have found him and had therefore given the codices to Severus. Sagittius also asked Syagrius

to open the archives of his presbyter Severus and to take the codices, in order to show that he had always kept them in his church. Ironically Severus had in fact sent a letter to Sagittius but the messenger who was due to deliver it had gone to Severus's property first to get the codices and give them to Sagittius.

With the codices in his hands, Sagittius went to Tarraco, disregarding the letter he had sent to Syagrius. When Syagrius eventually received Sagittius's letter, his reaction was one of shock at his fellow bishop's proposal, yet to take any hasty action might have proved detrimental, not only to Severus, but to Sagittius and also to himself, since they were also under suspicion. He therefore decided to remain silent. That night, however, Syagrius had a nightmare in which Christ punished him for his vow and so, frightened, he decided to walk to Tarraco and reveal everything (ibid. 14–15).

At the same time, Sagittius, who was already in Tarraco, had committed perjury several times before the ecclesiastical court. With the support of Severus and Severa, he argued and maintained that the codices had always been kept in his church and that Fronto's accusations were false. Consequently, Fronto's allegations were considered slander, a crime punishable by death by stoning. The monk, however, begged for one day of clemency, which was granted. That afternoon, Fronto met with Syagrius, who had just arrived in Tarraco. Incensed, Fronto initially insulted the bishop, before learning that Syagrius wanted to expose the deception of Sagittius and Severus. He asked the bishop to help him reveal the truth and so the next day, after Sagittius and Severus had perjured themselves again, Fronto showed evidence to the court to prove their deceit. In spite of this, Sagittius was exonerated from any blame, since Titianus had recourse to the decree which declared that a bishop could only be judged by other bishops.⁶ Subsequently, Sagittius decided to flee Tarraco having been persecuted by Fronto and decried by the crowd (ibid.16–20).

A council of seven bishops was convened to take decisive action. However, the council did not rule in favour of Fronto, but the heretics who were returned to communion. The records and the codices were burnt meaning the case could never be investigated again. Fronto, who took part in the council, protested vehemently against the outcome, and his argument with Bishop Agapius, who responded violently, ended with the death of Agapius, which seemed to Fronto to be a divine punishment. Notably aggrieved by the hostility and injustice of Tarraco, Fronto was swift to take action, calling upon Patroclus of Arles to help support him against the unfair judgement of the bishops of Tarraconensis. Patroclus's influence proved effective as he decided to call the bishops of Tarraconensis to form another council, one which would meet in Biterrae. He also considered the possibility of an appeal from the Gallic bishops to the emperor. Consentius, for his part, decided to consult Augustine to let him know what had happened and to ask him for his support in the struggle against heresy (ibid. 21–7).

Between conflict and compromise: Bishops, heresy and power

In the fifth century, accusations of heresy, sorcery or both could be very dangerous, leading to the defendant being sentenced to death, often without the claims being properly substantiated.⁷

Aside from this, denunciations of any sort were a great dishonour, as the accused would be tainted by suspicion. The shame was such that Fronto used it to his advantage in attacking his powerful opponents. For a leader such as *comes* Asterius, who was of a high imperial rank, it was essential to be free from any suspicion. In such a context he could not take any risks, since, as a leading figure, his orthodoxy had to be proven and unquestioned. For this reason, Asterius considered that his return to Tarraco should take precedence over his military duties in order to absolve himself from any hint of slanderous suggestion. Once his orthodoxy was demonstrated he washed his hands of the matter and returned to war, leaving the resolution of the affair to the bishops.

The heresy of which Fronto accused both Severa and Severus was known as Priscillianism.⁸ Named after Priscillian, a charismatic leader who became bishop of Avila and was executed in 385 by the emperor Magnus Maximus on charges of sorcery, this branch of heretic behaviour reflected the main debates and spiritual concerns within the Spanish Church of the time. It centred on a confrontation between spirituality and worldliness and the experience of a purer, more genuine type of Christianity rather than one more connected to power and ambition.⁹ Priscillianism caused a great commotion within the Spanish Church, prompting a schism, particularly after the remains of Priscillian and his supporters were brought to Gallaecia following their executions and were venerated as true martyrs (Sulpicius Severus, *Chronicon* 2.51.7–8).

In the fifth century, Priscillianism attracted people from all social extractions and had spread not just in Hispania but also throughout Gaul and Africa. Nevertheless, any accusation or suspicion of its practice could have severe, often irredeemable, consequences, since it had the potential to open up old wounds, a concern which would have no doubt influenced the decision of a metropolitan like Titianus, among others, to proceed with caution.

At the heart of *Epistula* 11* is one of the most striking and intriguing factors related to Priscillianism, namely the different attitudes held by the ecclesiastical hierarchy and the population. Many of the tenets, writings and practices of Priscillianism were accepted as orthodox by various churchmen, who openly permitted their practice or, at least, did not consider Priscillianism itself to be dangerous.¹⁰ Others, however, were sceptical and remained intransigent in their views over its practice, convinced of its threat to the unity of the church. While the first group was open to a conciliatory policy towards repentant Priscillianists, others were less compromising and wanted them to be punished and stripped of their duties.

These attitudes towards Priscillianism were irreconcilable and neither group managed to ensure that their view took precedence over the other. As a result, the Spanish Church could not reach a settlement on the matter and so Priscillianist beliefs and practices continued to flourish throughout the fifth century. With tempers remaining high, each group duly sought to strengthen its position through external support: either prestigious bishops or even the Pope himself. Such support was crucial to the ratification of their orthodoxy. What had once been a strategy used by Priscillian himself during his lifetime had become a constant feature throughout the whole Priscillianist controversy. Thus, Bishop Hilarius and the presbyter Elpidius turned to Pope Inocentius I (Inocentius I, *Ep.* 3); Optatus and Orosius to Augustine (Aug., *Ep.* 190, 202A; Orosius, *Consultatio sive commonitorium Orosii ad Augustinum de errore priscilianistarum et origenistarum* and Augustine, *Ad Orosium contra Priscillianistas*

et Origenistas); Thoribius of Asturica to Pope Leo the Great (Leo I, *Ep.* 15); and Agrestius of Lucus to bishops from Gaul.¹¹

Priscillianism allowed the educated and wealthy presbyter Severus and Bishop Sagittius, among others, the opportunity to demonstrate their faith through other unconventional means within the church and thus satisfy their spiritual interests, free from remonstrance from colleagues within the clergy. Yet an uncompromising sector fronted by Fronto and Consentius, neither of whom was willing to tolerate this practice, decided to denounce these heretics, insisting that they be persecuted and duly punished. In spite of their importunity however, their efforts proved fruitless as Severus and Sagittius were exonerated from any charges. Nevertheless, undeterred by their failure, the resistance campaign soon turned to two famous bishops, Patroclus of Arles and Augustine, the involvement of whom extended the scale of the conflict, by involving foreign bishops in it.

Consentius had a very good relationship with Augustine, with whom he had exchanged various letters in which he had asked for advice concerning his own theological doubts and uncertainty (Aug., *Ep.* 205, 119 and 120). As a result of these missives, the Bishop of Hippo took a very positive view of Consentius, and even invited Consentius to visit him in Hippo to discuss theological matters. Consentius accordingly accepted his offer and travelled to Hippo, but was unable to find the bishop (Aug., *Ep.* 120, 1 and 205, 1).¹² The confidence that Consentius had in Augustine encouraged him to send him *Epistula* 11* and a book which he had dedicated to the bishop's honour. The text outlined Consentius's methods of combating the threat of heresy (Aug., *Ep.* 11*, 1 27.3),¹³ as well as details of the deceptive strategies incorporated by Fronto in Tarracensis, namely pretending to be a heretic with the purpose of finding, denouncing and condemning the same.

One of the most famous Priscillianist maxims, and one which was justified through reference to the Bible, proclaims: 'Swear, commit perjury, but betray not the secret' (Aug., *Ep.* 237, 2; *De haeresibus, ad Quoduultdeus*, I, 70, and *Contra Mendacium*, 3, 5). Thus, as followers of this strategy, Priscillianists did not appear to have any qualms about lying in order to protect their creed and their lives. Severus, Severa and Sagittius, to name but a few, all adhered to this ethos in the light of Fronto's damaging accusations and, as Consentius's proposals reveal, such a philosophy was not confined to the mindset of Priscillianists, but became a course of action adopted within some circles of the Spanish Church who likewise saw no harm in lying to protect their interests under certain circumstances and for certain purposes.

Consentius believed that the defence of one's orthodoxy justified a wide range of actions, including coercion. This was also as was the case, as far as we know, with Bishop Severus of Minorca, who received Consentius's support in his struggle against the powerful Jewish community of Magona, which had been forcibly converted to Christianity (Aug., *Ep.* 12*, 13 and Severus of Minorca, *Letter on the Conversion of the Jews*).¹⁴

Consentius hoped that Augustine would support the views he expressed in his letter, take heed of his suggestions and extend them to other clerics and places. In spite of this, his tone was far from civil and was of a stern disposition as he reproached the bishop for his lenient attitude towards the Donatists, through which indulgent bishops had justified their position. This was accompanied by a discussion of the right policy for the church to implement towards repentant heretics, asking whether they should be punished and stripped of their duties or be

forgiven and allowed to maintain their honours within the church after doing penance (Aug., *Ep.* 11*, 24–6). This latter course of action had a precedent in Hispania, following the controversial agreements of the first council of Toledo (400), which had required the intervention of Pope Innocentius I (Innocentius I, *Ep.* 3). In Africa, such changes were reflected in the accords reached with the Donatists at the councils of Carthage of 411 and 418, which saw repentant African Donatist bishops reinstated to their respective sees, a process in which Augustine himself played a very significant role (Carthage Conference 411, Aug., *Ep.* 128 and 129, 411; council of Carthage (May 418 onwards): canons 9–11).¹⁵

Consentius's discourse is replete with arguments aimed at demonstrating the great success and correctness of his measures against the heretics, which he duly accredits to the support and sanction of Christ. The venomous tone he reserves for such dissidents provides a marked contrast to that employed in his portrayal of Fronto, who is described as a defenceless victim of the hatred shared by the bishops, the soldiers and the crowd. Fronto is depicted as a poor and modest man who lacked the wealth and honours of his enemies, and as the most orthodox and pure Christian of the whole community, vilified by wretched and immoral heretics. His propensity for lies is described as merely 'an extremely innocent trick', whereas the perjury of his opponents merits the fiercest scorn (Aug., *Ep.* 11*, 1, 4, 5, 7, 14, 16–20). As someone who believes in the power of Christ, Fronto can always rely on such support, regardless of his own inadequacies. He reveals the truth, intimidates the permissive and punishes those who have harmed him (*ibid.* 2.4, 13, 15, 17, 18, 21 and 22).

Although Fronto characterizes himself as a small, lonely and helpless victim, in contrast to the power possessed by his opponents (*ibid.* 4, 5, 6, 7, 9) in reality this was far from the truth. Fronto handled the matter with astuteness. His fanaticism did not prevent him from admitting the pre-eminence of his rivals. He knew his accusation was very powerful and could be very harmful if it was accepted. Nevertheless, the weight of his claim very much depended upon his alliance with many powerful supporters. Without this backing, Fronto could not have maintained the credibility of his accusations, particularly in the face of a forum which was so powerful and unrelenting in its hostility towards him. In particular, he relied upon the support of Patroclus of Arles and of Consentius, a well-known figure in the Episcopal circle of Tarraconensis,¹⁶ as well on a small sector of the population of Tarraco (*ibid.* 10.2 and 20).¹⁷ Such was the quantity of people caught up in the controversy that the affair seems to have amalgamated religious matters with other more mundane concerns, the nature of which, unfortunately, cannot be specified.¹⁸

Consentius however, had another purpose in his address to Augustine, namely the acquisition of the Bishop of Hippo's support for the schemes of Patroclus of Arles, whose primacy over the Gallic Church, granted by Pope Zosimus, was under threat at the hands of the new pontiff Bonifatius.¹⁹ Augustine and the African Church held ascendancy over Bonifatius, thus for Patroclus, it would be profitable to have as prestigious a supporter as Augustine within in the church. In addition, Patroclus's main enemies were all aligned to Priscillianist-Manichean ideals. They would therefore be left debilitated if Augustine were to advocate Consentius's proposals. With this in mind, Consentius presents Patroclus as a zealous champion of orthodoxy moved by the conviction of his faith and as a man who impelled Consentius to write his works against the Priscillianists, and moreover as one longing to

receive correspondence from the Bishop of Hippo. He is also shown to be a powerful bishop and a dangerous opponent who is willing to appeal to the emperor (ibid. 1, 23, 24 and 26).

Augustine's response to the challenges and proposals laid before him, as expressed in his work *Contra Mendacium* (*Against Lying*),²⁰ was forceful, rebuking the use of lies as a religious tactic. It was not licit, under any circumstances or for any reason, to lie. Those who did so consciously committed a very serious sin, divesting themselves of reliability, not just before the heretics, but also before Catholics (Aug., *Contra mendacium* 3.4, 3.5, 6 and 4). Moreover, Augustine encourages Consentius not just to expose Priscillianists, but also to seek to correct their behaviour and defend the truth through persuasion and in written works exposing Priscillianist fallacies (ibid., 9. 25 and 6.11).²¹ As far as Augustine was concerned, his intervention in the controversy was limited strictly to the theological debate as he sought to refute the validity of the methods proposed by Consentius. The intrigues of power, Fronto's adventures, Consentius's allegations of shortcomings in the African Church, the threat of appealing to the emperor and the pretensions of Patroclus of Arles were all issues on which he remained silent.

Augustine's response to Consentius's letter would have irritated Consentius considerably, especially given that the Bishop of Hippo not only failed to show any interest in his methods of finding and denouncing heretics. Not only did he not offer any support whatsoever, he refuted them completely. Yet Consentius was undeterred as he was unwilling to accept a reprimand of this kind or to compromise his fanatical schemes for the sake of others.²² In reply, Consentius sent Augustine a similarly harsh letter, *Epistula* 12*, in which he confessed his indifference towards reading and his suspicion of theology. He even went on to question the immunity of Augustine, suggesting that, as with Origen, he too could be judged as heterodox in the future (Aug., *Ep.* 12*, 11–12). Following this correspondence, it is likely that Augustine and Consentius distanced their relationship, as Augustine alludes to Consentius in very acrimonious terms in the *Retractationes* (II 60 (86)), a tone in contrast to the warmth and geniality which had constituted their initial correspondence (Aug., *Ep.* 120, 1 and 205, 1).²³

In order to obtain a more definitive understanding of the way in which the controversy was resolved, it is important to take into account, among other things, two significant factors: *affinitas* and power. Those accused of heresy were very powerful and had the support of most of the population and the clergy. Thus the main issue for the bishops of Tarraconensis in dealing with the conflict was not orthodoxy, but rather ratifying the status of the wealthy churchmen accused of heresy, thus preserving social order and maintaining the well-being of the community.

The role of the episcopal court, councils and sanctuary in the resolution of the conflict

Resolution of the controversy was achieved through a set of resources that bishops, who were believed to be just, fair-minded and the embodiment of divine justice, had at their disposal, as leaders of the Christian community.²⁴ The Episcopal court, councils and sanctuary²⁵ were all

effective in helping resolve differences and tensions and maintaining peace in society.

The ecclesiastical tribunal, the legal procedure which allowed bishops to settle disputes,²⁶ was crucial in the development of the conflict and effectively resolved the controversy between Fronto and Severus, as well as helping to determine the validity and substance of Fronto's accusations. The process, undertaken in the ecclesiastical premises of the Church of Tarraco and conducted by the metropolitan Titianus, was a public affair which made it possible for the whole community to interact and engage with the proceedings. From the bishops to the plaintiffs to defendants and the crowd, all had a platform from which to speak openly, airing their opinions, support or disapproval before the ecclesiastical court without fear of reprisal.

Councils also played an essential role, operating as a collegiate organization in which bishops solved matters relating to their colleagues. It is probable that a council, composed of seven bishops, was convened in Tarraco in order to deal with the orthodoxy and perjury of Bishop Sagittius. After deliberation, they reached an agreement that the accused would return to communion and the acts of the council and the codices would be burned (Aug., *Ep.* 11*, 21). Similarly, the meeting of another council in Biterrae became the setting for Patroclus of Arles, exceeding his ecclesiastical jurisdiction, to correct the agreements of the bishops of Tarraconensis. However, this council could not have had any validity or influence, as these bishops were themselves unwilling to attend (*ibid.* 23–4).

In addition, sanctuary,²⁷ the protection offered by the church to those persecuted by justice or in danger, was essential, this was particularly the case with regards to safeguarding the life of Fronto while he pursued his own controversial accusations.

Although the controversy centred on religious matters, it was not strictly limited to ecclesiastical jurisdiction; it impinged upon all areas of society. In fact, the ecclesiastical court, sanctuary and councils operated as forces of power and of resistance to it. From Fronto's point of view, their task was to punish heretics but in reality, their actions were more akin to that of a powerful civil service determined to preserve their strength and status in society. Nevertheless, collectively Fronto, the bishops and the crowd knew how to take advantage of these resources and duly did so. Fronto used all the means at his disposal to defend his cause, taking refuge in sanctuary and forcing Count Asterius to meet him at the church instead of at his residence. Likewise, the metropolitan Titianus and the bishops on his side employed these resources in order to further their purposes and help exonerate the accused. In turn, the crowd, for its part, pressed the process to its permitted limits by threatening Fronto and ruling in favour of its leaders.

The decisions of the bishops and sanctuary were respected by almost everyone. Thus, although the crowd was consistently antagonistic towards Fronto, it obeyed the rules and agreements of the bishops. In fact, the mob was angered when sanctuary was violated by the servant of the *comes*, subsequently throwing him out of the church (*ibid.* 13). As with Fronto, Count Asterius also observed sanctuary and agreed to resolve his differences with him at the church (*ibid.* 8–9). It is nevertheless striking that the behaviour of Bishop Agapius, who attacked Fronto in front of everyone, went practically unchallenged and he escaped any admonishment for his attitude (*ibid.* 11 and 21).²⁸ That is with the exception of Fronto who, incensed by the verdict of the council and bereft of support for his complaints in

Tarraconensis, turned to Patroclus of Arles and Consentius for further guidance.

Agapius's audacity is perhaps all the more remarkable given that the rules and penalties for those declared guilty were known and understood by both crowd and bishops alike. Bishop Sagittius was in fact an expert in law (ibid. 16, 3) yet the crowd preferred to wait for the resolution of the ecclesiastical court before taking justice into their own hands (ibid. 5 and 6).²⁹

Other evidence from Late Antiquity shows that Christian bishops when presiding over a court tended to act more like arbiters than judges. Many trials did not end with the imposition of a penalty in the manner of secular cases, but rather tended to involve other ways of resolving conflicts.³⁰ In this respect, the resolution to this conflict, which could have led to the death penalty, hints at a compromise between the bishops who, rather than imposing severe measures, decided to limit the impact of the scandal and to acquit those churchmen involved.

Conclusion

The action of the bishops of Tarraconensis reveals the close ties that existed between conflict and compromise and, moreover, how they coexisted openly within their respective dimensions, without apparently becoming contradictory. As discussed, the bishops clearly held the key to tipping the balance in favour of one side or the other. The evidence shows, however, that in observing the legalities of the process, they opted for compromise, forgiving the guilty parties in spite of their obvious offences. In arriving at their decisions however, bishops were not autonomous subjects but rather were subject to the particular interests of those who held power in their communities, whose pre-eminence and position was secure. In the agreements of the bishops of Tarraconensis, the well-being of the community and the maintenance of social order prevailed over orthodoxy. Yet the question remains as to what might have been had the harsh measures of Fronto, Consentius and Patroclus of Arles been implemented? Naturally, the course of proceedings and the impact on the community would have been different since violence and confrontation would no doubt have come to the forefront of the controversy. In fact such was the case in another contemporary event in which the uncompromising position of Bishop Severus led to the forced conversion of the Jewish community of Magona and the subsequent destruction of their synagogue. Measures of this kind raise further questions about the personal views of leaders, in this case bishops, the extent to which they were able to wield their influence within their respective communities, and how the propagation of such views induced obedient subservience within society.³¹

Notes

1 I am very grateful to Mark Hunter for his editing of the English writing of this chapter.

- 2 For the revised text of the CSEL, with French translation and commentary, see Divjak (1987). An English translation in Eno (1989). Divjak dates the letter in 419, dating which is accepted by Amengual and García Moreno. Kulikowski and Mathisen, however, date the letter in 420–1.
- 3 On Consentius, his identity, personality and works, see Amengual (2008): 205–339.
- 4 *Epistula* 11* is written in a very peculiar way. Its main body (*Ep.* 11*, 2–23) contains Fronto’s adventures in a first-person narrative studded with popular expressions (for the voice of ordinary people in literature of Late Antiquity, see Auerbach (1968)): chapters 3 and 4. This story is preceded and followed by some remarks about the subject addressed by Consentius to Augustine (*Ep.* 11*, 1 and 24–7).
- 5 Severa was either the mother-in-law or the sister-in-law of Asterius (Aug., *Ep.* 11*, 4, 3). Some time after the events narrated in letter 11* Asterius was promoted to patrician (Greg. Tur., *Hist. Franc.* II, 9). On Asterius, see Kulikowski (2000): 123–41 and García Moreno (1988): 163–8.
- 6 See councils of Nicea (325), c. 5; Constantinople I (381), c. 6; Antioquia (341), cc. 14 and 15 and Sardica (342–3), cc. 3 and 5; *CTh* 16.2.12 (355) and *CTh* 16.2.41=*Const. Sirm.* 15, and Gaudemet (1958): 240–5 and 255–8.
- 7 The frontiers between ecclesiastical and secular legislation were not very clear in the case of heresy and sorcery. Both were very delicate charges, as they could lead to the death penalty. See the anti-heretical legislation of the *Theodosian Code* 16.5.
- 8 In his recount of the events, Fronto only refers to heresy without naming it or specifying what was wrong with its creeds. It is Consentius (Aug., *Ep.* 11*, 1, 25, and 26) who names the heresy, identifying it with Priscillianism.
- 9 On Priscillian and Priscillianism see Volmann (1974); Chadwick (1976); Escribano (1988) and (2005); and Burrus (1995). On the different interpretations of Priscillianism, see Escribano (2000) and Fernández Conde (2007).
- 10 See, for instance, first council of Toledo, *Exempl. Profes.*; Hid., *Chron.*, praef. 6, 16 and 127 [135]; Ag., *Ep.* 11*; Thoribius of Astorga, *Epistula ad Idacium et Ceponium* II and VII: PL 54, 693 and 695; Leo I, *Ep.* 15, 16–17; the inaugural discourse of the first council of Braga and Canons 67 and 70 of the *Capitula Martini*.
- 11 For a detailed analysis of these matters, see Ubric (2004) and Mathisen (1994).
- 12 On the correspondence between Augustine and Consentius, see Amengual (2008): 215–51.
- 13 Consentius had written another two books against Priscillianism (Aug., *Ep.* 11*, 1). He may also be the author of the *Quastiones Orosii et responsiones Augustini*.
- 14 Bradbury (1996). On these events, see also Amengual (2008) and Hunt (1982).
- 15 The reproaches of Consentius to Augustine, however, suggest that Consentius was unaware of the real actions of the African Church towards Donatism.
- 16 It is very plausible that Consentius was from the Tarraconensis. From Agapius’s references to him in conversation with Fronto, he seems to have been a person well known by the bishops (Aug., *Ep.* 11*, 10, 3–10).
- 17 Fronto himself would have had some economical resources, which allowed him to build a monastery in Tarraco (Aug., *Ep.* 11*, 2, 1) and to travel to Arles and Minorca after the resolution of the council (*ibid.* 23).

- 18 For religious struggle as a way to suppress or oust rivals or enemies, see R. Van Dam (1985) and (1986).
- 19 On Patroclus of Arles and his pretensions, see Amengual (2008): 286–91; García Moreno (1988): 171–4; Mathisen (1989): 48–74; Pietri (1976): 1006–21 and Langgärtner (1964): 18–61.
- 20 Augustine refers to the same issue in *Retractationes* II 60 (86) and *Enchiridion* 6, 18.
- 21 This was not Augustine’s first contact with Priscillianism. Previously he had attended to the questions and doubts of Orosius (*Commonitorium* and Augustine, *Ad Orosium contra Priscillianistas et Origenistas*), Petrus (*Ep.* 23A*, 3, 25 and *De natura et origine animae* (I 2, 2)), Bishops Optatus and Muresis (*Ep.* 190 and 202A) and Consentius himself (*Ep.* 119 and 205). See Amengual (1999).
- 22 Consentius’s method of dealing with those who professed other creeds was very different to those proposed by Augustine. The dialectical debate, as far as we know, was not in his mind. In fact, in the struggle with the Jewish community of Magona coercion was the chosen action, as the Jews were very superior in the religious debate (Severus of Minorca, *Letter on the Conversion of the Jews*).
- 23 Something similar happened to Augustine with Orosius. In fact, it is very probable that Orosius was the friend to whom Consentius refers in letter 12*, 9–10, with whom he shared his laziness and disdain for theology. See Amengual (2008): 238, 275–6, 296–316 and 387–97.
- 24 On the ideal image and the role of bishops, see Chadwick (1980); Lizzi (1987) and Rapp (2005).
- 25 For a detailed analysis, see Kulilowski (2002).
- 26 On the *episcopalis audientia*, its legal basis and the role of bishops in it, see Gaudemet (1958): 229–52; Selb (1967); Cima (1989); Harries (1999): 191–211 and Mathisen (2001).
- 27 On sanctuary, see, *CTh* 9.45 and 16.8.19 (*CI* I.12.2), Aug., *Ep.* 15*, 16*, 23*A and 28* and Ducloux (1994).
- 28 For other contemporary testimonies on the violent behaviour of bishops, see Dossey (2001) and Kulilowski (2002): 314–17.
- 29 According to Roman Law, informers could be condemned to the death penalty (on delation see *CTh* 10.10, and the *Edictum de accusationibus* in Matthews (2000): 254–8).
- 30 See Vismara (1987); Harries (1999) and (2001) and James (2003).
- 31 On this matter, see Brown (1972); Drake (2000) and Ubric (2006).

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Papal Authority, Local Autonomy and Imperial Control: Pope Zosimus and the Western Churches (a. 417–18)

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The pontificate of Zosimus lasted under two years, from 18 March 417 to 26 December 418. During this time, the Pope, who was seriously ill for part of his reign, maintained unceasing and highly controversial activity. He intervened in several conflicts in the West – though in none in the East, as far as we know – particularly in southern Gaul to defend the rights of Patroclus of Arles as the metropolitan in the region, and in North Africa, with whose bishops, headed by Aurelius of Carthage and Augustine of Hippo, he was involved in a dispute over Pelagianism and other disciplinary matters. Zosimus did not succeed in solving any of these conflicts, despite his outstanding knowledge of legal procedures. On the contrary, his penchant for intervening and his partisan approach helped to make them worse. On his death he left the Italian episcopacy, and the Roman Church itself, deeply divided.

Zosimus' papacy is illustrative of the efforts of the Apostolic See to affirm its universal authority, and also of its limits. These were marked on one hand by the high level of autonomy of regional churches and on the other by political circumstances and imperial control to which bishops, including the Bishop of Rome, had to submit. Abundant documentation, including Zosimus' own writings, which has still not been studied fully,¹ allows a reconstruction of the political web of his actions and the compromises involved in the solution of ecclesiastical disputes in the early fifth century. Here we carry out a preliminary study in chronological order of the contents of this evidence, which allows us to understand the logic behind some of the Pope's most controversial decisions, and the overall failure of his policies.

The disputed privileges of Patroclus of Arles

Zosimus' first letter, dated 22 March 417, four days after he became Pope,² is addressed to the Gallic bishops of the Seven Provinces.³ It informs them that anyone travelling to Rome or any other part of the world should carry with them *formatae* (letters of communion) issued by the metropolitan of Arles, Patroclus. This was a privilege conceded to Patroclus owing to his merits (*meritorum eius specialiter contemplatione*) and also to the prestige and antiquity of the Church of Arles, which was founded by St Trophimus, an envoy of the Holy See and the first metropolitan of Arles.⁴ The letter also lays down that the metropolitan of Arles should be responsible for the ordination of bishops in the provinces of Viennensis and Narbonensis

Prima and Secunda; that the parishes of Citharista and Gargarius, located near Marseilles, should be returned to the diocese of Arles, as they had belonged to it before; and that Patroclus was to be responsible for resolving litigation in the churches throughout all Gaul, unless the seriousness of the case needed the intervention of Rome (*Ep. 1 Placuit apostolicae*).

The new Pope intervened at length in the ecclesiastical disputes of the churches of southern Gaul, which had been caused by the political disturbances of the previous decades.⁵ At that time it was accepted that the figure of *metropolitanus* corresponded to the bishop of the civil metropolis in the province. In Viennensis this rank had been held traditionally by Vienne, whose bishop was Simplicius. Marseilles and Arles belonged to the same province. The Bishop of Marseilles, Proculus, acted as metropolitan in neighbouring Narbonensis Secunda through an ancient right. It was to Patroclus, the Bishop of Arles, that the Pope conferred now special jurisdiction owing to his merits and those of Arles itself. What were these merits? Arles had become the seat of the Prefecture of Gaul after the Vandal invasions had caused Trier to be abandoned. The date of this transfer is debated but can be placed around 407.⁶ In 408, the usurper Constantine III fixed his residence there.⁷ When he was defeated by Constantius, Honorius' *magister militum*, in 411, Arles continued to be the seat of the prefecture and the new government.⁸ In 417, when Zosimus wrote, Arles was able to claim the status of a provincial capital, but this was not taken as read. Honorius' law of 17 April 418, which established that the (civil) *concilium* of the Seven Provinces should meet here once a year under the supervision of the Praetorian Prefect, indicates the metropolitan nature of Arles (*in metropolitana, id est in Arelatensi urbe*) and gives the reasons for its choice as seat of the annual council: the suitability of the place, the affluence of trade, the abundance of exchange and an excellent geographical position, all made Arles superior to any other place in the world. Although there is a great deal of rhetoric in these words, it is significant that about a third of the text in this decree is devoted to singing the praises of Arles as a metropolis.⁹ We shall see later that not only the bishops of Gaul affected by this new order had doubts that Arles was the civil provincial capital, but that this was also true of those from other regions. Indeed, the primacy of Arles over the churches in southern Gaul must have been even less clear. Zosimus states that the metropolitan of Arles had the right to ordain bishops in the other provinces 'as he has always had' (*sicuti semper habuit*) and this capacity 'should be returned' (*ad pontificium suum revocet*), and ordinations made 'against what was instituted by the Apostolic See and the precepts of the elders' (*contra apostolicae sedis statuta et precepta maiorum*) would not be considered as licit. However, neither in this letter nor in his further ones dealing with the same problem was the Pope able to supply irrefutable proof of this 'ancient' right, which it seems Arles had never claimed before.¹⁰ In the case of claiming primacy, it was Marseilles that was acknowledged as the city where the evangelization of Gaul began, but now its bishop, Proculus, not only lost the traditional right of naming the bishops in Narbonensis Secunda, but also in the churches that depended on his own see, two of which (Citharista and Gargarius) were placed under the direct jurisdiction of Arles. Doubtlessly inspired by Patroclus, Zosimus appealed to the evangelising role of St Trophimus 'in all Gaul' (*ex cuius fonte totae Galliae fidei rivulos acceperunt*).¹¹

Therefore, it was not for reasons of ecclesiastical tradition that Zosimus was led to extend

the metropolitan rights of Patroclus to the detriment of those of his colleagues in Vienne, Marseilles and the two Narbonensis provinces. It is generally assumed that Patroclus was present in the nomination of Zosimus and that he played a part in his election, although neither of these two claims can be proved.¹² However, it is clear that a political-ecclesiastical network connected Arles with the new Pope. The usurper Constantine had named bishops who supported him in the region, and a key person in these actions was Proculus. We do not know of all the movements in these episcopal sees. But we know that Proculus had deposed Remigius of Aix, who was accused of adultery,¹³ and named Lazarus in his place, although Proculus himself had condemned him some time before at a council in Turin (Zos., *Ep.* 3.5; 4.2). Heros was named in Arles, and gave his support to the usurper until the end, by offering him shelter in his church and appointing him a presbyter to avoid a certain death at Constantius' hands (Soz., *HE* 9.15.1). Constantius' victory over Constantine led to a new wave of changes in the Gallic episcopal sees; at least in the more important ones. Lazarus and Heros abandoned their sees and went into exile (Zos., *Ep.* 2.5; 3.5–6; 4.2). Remigius recovered his episcopacy and Patroclus, friend and protégée of Constantius (*amicus et familiaris Constantii magistri militum*) was named in Arles in place of Heros (Prosp., *Chron.* s.a. 412). However, some bishops who were not supporters of the new coalition survived. Thus, Proculus himself and others, like Simplicius of Vienne and Hilarius of Narbonne maintained their sees and would later resist Arles' claim of primacy. We do not know Pope Innocent's policy regarding the churches of southern Gaul, but he either did not intervene (which seems the most likely) or did not act in favour of Arles' ambitions. If he had done so, Zosimus would have used this as fundamental argument in favour of its metropolitan rights. Innocent's death gave Patroclus the chance to change the situation and obtain a decree from the new Pope. In turn, Zosimus might have seen Patroclus and his protector Constantius as excellent allies. The latter was Honorius' co-consul in 417 and in January of the same year he married Galla Placidia, the emperor's sister,¹⁴ which brought him even closer to the centre of power. On the other hand, concentrating ecclesiastical power in Arles and placing it in the hands of a metropolitan whom he could fully trust allowed Zosimus to control the churches of southern Gaul, over which Rome had exercised hardly any influence in the previous decades due to political instability in the region, while at the same time he was strengthening the authority and influence of the Roman See.

It is not possible to know when and how the relationship between Zosimus and Patroclus was formed – Constantius is not mentioned in any of the documents about the dispute. In any case, the coalition proved to be solid and lasting, although rather than helping the ambitions of the two concerned, it became a perennial source of problems. The Gallic bishops asked the prestigious See of Milan to convene a council, and this was held in Turin.¹⁵ The date of the council, of which only the day is known (22 September), has been the cause of debate for over a century and is still discussed, and placed between 398 and 417.¹⁶ I believe that there were two councils of Turin and that it was at the second, synodal letter of which is still extant, that the questions studied here were discussed.¹⁷ As for the date, I consider that this council was held on 22 September 417, initially to discuss other matters affecting the churches in Gaul. As we shall see, the condemnation of Proculus' recent ordinations by a Roman Synod, assembled by Zosimus at a date very close to the Synod of Turin, led to the issue of the metropolitan rights

being included on the agenda.¹⁸

Without taking any notice of Zosimus' decision, Proculus continued appointing bishops in the sees dependent on Marseilles. We know that he did this in the parishes of Citharista and Gargarius, which he raised to the rank of bishoprics, and named two bishops, Ursus and Tuentius, who both had a questionable past. According to Zosimus, who deals with the matter in *Ep. 4 (Cum adversus)*, Tuentius had been declared unorthodox in his beliefs (as a Priscillianist), and still had not been exonerated from being condemned as such, while Ursus had been accused of several misdemeanours by citizens in his see and deposed. Both were wandering monks (*circulatores*). Their ordination was not valid, above all due to a series of irregularities in procedure: the metropolitan (Patroclus) had not participated in it nor had the priests of the province, the place had been usurped, the ordination had not taken place on a feast day and Lazarus (the Bishop of Aix under the usurper Constantine) had taken part illicitly, as he had already abdicated. Faced with this situation, Zosimus convened a synod in Rome (*Ep. 4.2: haec omnia apud nos gestis testimoniisque discussa sunt*), in which the two bishops were excommunicated. The Pope sent this decision to the churches of Africa, Gaul and Spain on 22 September 417 (*Ep. 4*). Proculus was invited to this same council at Rome, which had a high attendance;¹⁹ but after a long wait, he did not appear.²⁰ He was then condemned (*damnatus*), perhaps for contumacy, and his ordinations were declared invalid. Zosimus made this condemnation public and his rival Patroclus knew about it as he had been present in the council.²¹ The decisions made by the council at Rome might have caused Proculus to ask for them to be discussed in Turin. This council agreed with the appellants, although not unconditionally. They considered that Proculus' ordinations were valid and acknowledged his metropolitan rights over Narbonensis Secunda during his lifetime, as a special honour, while determining that under no circumstances should bishops make ordinations outside their province (c. 1). As regards the dispute about the primacy between the Bishops of Arles and Vienne, it was established that this honour would belong to whomever could prove that his city was the metropolis; meanwhile, to keep the peace, each of the two would ordain the bishops in the nearest cities within the province (c. 2). It was also decided that the bishops named by Remigius of Aix and others in Narbonensis Secunda would be deprived of their rank and that no such ordination would be valid (c. 3).

Zosimus, who was not present in Turin,²² must have been told in advance that these matters would be debated, and replied immediately, in advance of the synod's decisions. His *Ep. 4*, with its condemnation of Ursus and Tuentius, is dated on the same date: 22 September. It contains no reference to the synod. Four days later, Zosimus wrote to Hilarius of Narbonne, who had written directly to the Pope by sending him a *relatio* in which he claimed metropolitan rights over his province. Zosimus warned him that he should not be guided by his own opinions, but by ancient custom and reminded him that it was Patroclus who held the right to name bishops in Narbonensis Prima, making clear that if he did not uphold this right, he would be excommunicated (*Ep. 6 Mirati admodum*, 26 September). Hilarius, it seems, did not appeal to the Synod of Turin, as his case is not mentioned in its canons. In this letter Zosimus does not refer to the decisions at Turin, as he was still unaware of them. However, he does mention them in two letters dated in 29 September, when the news would have reached Rome. The *Ep. 5 (Multa contra)* is addressed to the Bishops of Viennensis, Narbonensis Prima and

Secunda to confirm Patroclus' privileges. In it, Zosimus alludes to Proculus' usurpation by carrying out incorrect ordinations, the condemnation of the same in a *cognitio* in Rome, and Proculus' refusal to attend the trial. He says that he has been impelled to write the letter by the insult that the Synod of Turin inflicted on the Apostolic See by dealing with the question of metropolitan rights in Narbonensis Secunda, and reproaches the Bishop of Vienne for his attitude in attending the council and acting in the same incorrect (*indebita*) and imprudent (*imprudencia*) way as Proculus. Zosimus considered that appealing to the council with the aim of obtaining a decision in his favour was an act of audacity (*indecent ausus . . . extorquere*), which should be nipped in the bud (*in ipso vestibulo resecandus*). In *Ep. 7 (Quid de Proculi)*, dated on the same day, he reminds Patroclus of Proculus' condemnation by the Synod in Rome and reiterates that he had furtively (*furtive*) usurped his metropolitan rights at an irregular council (*indebita a synodo*). In connection with the council's decisions, Zosimus wrote to Remigius on 3 October (*Ep. Licet proxime*), as he had sent him a *libellus*, and confirmed his right to name bishops in the parishes that the council had denied.

Proculus' excommunication by the Apostolic See did not produce any effect. Months later he remained in his see, a situation that Patroclus seemed to have accepted. The Pope wrote to him on 5 March 418 (*Ep. 10 Cum et in praesenti*), rebuking him for not exercising his metropolitan rights, including that of issuing *formatae*, and saying that he (Zosimus) had had to hear from rumours (*ad nos rumor advenit*) that Proculus was still bishop, surrounded by his agitators-supporters (*iunxisse sibi quosdam idoneos turbationibus homines*). The same day, he sent a letter to the clergy, council and people of Marseilles, reminding them that their bishop, whom he accuses of being an 'agitator' (*turbator*), had been deposed and urging them to choose another under the supervision of the metropolitan Patroclus (*Ep. 11 Non miror*). About the same time, the recognition of Arles as the metropolitan see was sanctioned by Honorius' *Constitutio saluberrima*, as cited above.

We do not know any more about this matter in Zosimus' time, except that the Pope's authority was not respected. Proculus continued as the bishop in his see and Zosimus' successor, Boniface, who initially maintained the status quo of his predecessor,²³ changed his policies some time later and denied Patroclus metropolitan rights.²⁴ Perhaps Constantius' death in September 421 weakened Patroclus' position, although he continued to enjoy Galla Placidia's support, as shown by a decree of 9 July 425, which still gave him the capacity to judge Pelagian bishops in Gaul (*Const. Sirm. 6*). Patroclus was assassinated in 426 on the orders of the *magister militum* Felix (*Prosp., Chron. s.a. 426*), leaving behind a terrible reputation. He was regarded as the instigator of great disagreements among the bishops in the region (*Prosp., Chron. s.a. 412*) and branded as despicable and simoniacal (*Chron. 427, MGAa 9, 654*). Two years after his death, Pope Celestine confirmed Boniface's decision and declared the rights of Arles completely null and void.²⁵ The dispute continued until the time of Pope Leo, who in a letter dated June 445 revoked the extraordinary powers of the See of Arles, then occupied by Hilarius, due to the great problems it had caused in the region.²⁶ An edict of Emperor Valentinian III, a copy of which accompanied Leo's letter, supported the papal decisions, and definitively closed the dispute that Zosimus had opened.²⁷

The Gaul affair and Pelagianism

Zosimus' relationship with Patroclus and subsequent dispute with the churches in southern Gaul go a long way towards explaining his attitude in the Pelagian conflict, the best-studied aspect of his pontificate.²⁸ Their doctrines of grace, original sin and free will had made Pelagius and his disciple Caelestius suspected of heresy. Caelestius was condemned in Carthage in 411 and both were put on trial in Palestine in late 415 (Synod of Diospolis). On this occasion the accusers were Heros and Lazarus, two exiled Gallic bishops. They were not present in the trial (it seems that one of them was seriously ill: Aug., *De gest. Pel.* 1.2), but sent a text in which they described the main charges (Aug., *De gest. Pel.* 1.1–2). Pelagius was exonerated after condemning the propositions that had been presented against Caelestius in Carthage. The accusers then wrote a letter to Africa (Aug., *Epp.* 175.1; 186.2), where Aurelius of Carthage and Augustine agreed to consider the case. Two African councils held in Carthage and Mileve in summer 416 condemned Pelagius and Caelestius, and Pope Innocent was informed so that he could sanction this decision (*Apud Aug., Epp.* 175–7). On 21 January 417, Innocent replied and excommunicated both of them, although he gave them the opportunity of justifying themselves before him and thus return to the bosom of the church (*Coll. Avell.* 41; *Apud Aug., Epp.* 181–3). Pelagius appealed to Innocent and sent him a *libellus* with a declaration of faith and further documentation about the case. By the time this dossier reached Rome, Innocent was dead. Zosimus, who could have chosen to follow his predecessor's line, decided to intervene by adopting a posture favourable to the Pelagians. Caelestius came to Rome, where he presented the Pope with a *libellus appellacionis* and a *libellus fidei*. The appeal was admitted and he came before a tribunal chaired by Zosimus in summer 417. The examination, which was held in the Basilica of St Clement, determined that Caelestius' ideas were orthodox. Thus, Zosimus informed Aurelius and the African bishops in a letter (*Ep.* 2 *Magnum pondus* = *Collec. Avell.* 45) in which he sets a time of two months to bring the accusation, in this case for the deacon Paulinus, who had been the accuser in Carthage in 411, calling him to Rome for a confrontation with Caelestius; if he did not, the latter would be free of his accusations (*Ep.* 2.8–9). The letter is not dated, but it must have been sent in late summer.²⁹ On 21 September, Zosimus sent another letter to the Africans (*Ep.* 3 *Posteaquam a nobis* = *Collec. Avell.* 46) in which he tells them he had received a letter from the Bishop Praylius of Jerusalem in favour of Pelagius containing abundant documentation (*Ep.* 3.1–2), and the latter had sent him another with a declaration of faith. The letters were read publicly before an assembly of holy men (*sanctorum virorum*), who found them perfectly orthodox. The whole dossier, including Pelagius' texts that showed his true faith, was sent to Africa.

Zosimus, who showed he possessed a rich legal understanding and a solid knowledge of the procedure of prosecution,³⁰ centred Caelestius and Pelagius' defence on the serious defects in procedure; above all on irregularities in the accusation. In the letters there is no mention of the theological ideas of the accused nor of the decisions of his predecessor Innocent.³¹ Zosimus reproaches the African bishops for acting too hurriedly in condemning Caelestius based on the letter sent by Heros and Lazarus. At the Synod in Rome, Caelestius had declared that he had never spoken to them about this matter (*contentio*) nor had the least contact with them before

they wrote about it. He had only seen Lazarus once in passing. As for Heros, before his departure he had apologized for holding a poor opinion about an unknown and absent person, and Caelestius had accepted this apology (*Ep.* 2.4). This ‘obscure accusation’ was so lacking in foundation that it was deemed necessary to open an investigation into the accusers, in order to determine whether their respective deeds and positions justified that ‘any credibility should be given to absentees who denounce absentees’ (*ut fides absentibus in absentes debuerit adhiberi*) and whether their letters to Africa carried enough weight to be taken into account as evidence (*Ep.* 2.5). It was discovered that the accusers, ‘unknown and foreigners’ (*ignotos alienigenas*), had obtained their bishoprics in Gaul, with the opposition of the people and the clergy, and had abdicated on their own accord; furthermore Zosimus had excommunicated them (*Ep.* 2.5). The Pope asserted that the accusation had been made by letter, in the absence of the accused, who now defended himself, expressed his faith and called on his accuser to appear. Zosimus stated that he had not acted hurriedly and communicated his conclusion about the integrity of Caelestius’s faith to the African bishops. The first *libellus*, which Caelestius had presented in Africa in 411, should be sufficient proof of his orthodoxy in contrast with those who now accused him on the basis of rumours (*Ep.* 2.8).

In *Ep.* 3 (*Coll. Avell.* 46) in Pelagius’ defence, Zosimus returns to the irregularities in the process and the unworthy character of the accusers. Heros and Lazarus had maligned Pelagius (*Ep.* 3.4). It was an old custom of Lazarus’ to accuse the innocent. Thus, in many councils he had accused the Saint Bishop Briccius of Tours and at the council of Turin³² Proculus of Marseilles had called him a slanderer. Years later, however, it was the same Proculus who ordained Lazarus, the ‘bishop of a tyrannical decision’ (*sacerdos tyrannici iudicii*, *Ep.* 3.5, in allusion to Constantine’s patronage), who kept himself like a ‘ghost of a bishop’ (*umbra sacerdotii*), during the time that the usurper had maintained his puppet government (*donec tyranno imago staret imperii*). Lazarus spontaneously abandoned his bishopric on the fall of his protector (*sponte se exiit et propria cessione damnavit*, 3.5). Heros’ situation was similar: protected by the same tyrant (*idem tyrannus patronus*), he had provoked crimes (*caedes*), social agitation (*turbae*) and violence against the recalcitrant clergy, after which he abdicated of his own accord. It was not surprising that those who had conspired so much against brothers and colleagues in the episcopacy and caused so many calamities in the Church should terrorize a lay ascetic (Pelagius) by letter (*Ep.* 3.6). The African bishops should not rely on texts based on unproven rumours. Pelagius and Caelestius had come to the Apostolic See with their own writings and confessions, whereas their accusers were absent. False witnesses are execrated in the Bible and in Roman Law, which lays down that an accused person will not be punished if his accusers are not present.³³ With their accusations, Lazarus and Heros, lazy and effeminate (*otiosi et delicati*) characters, both accusers and witnesses, pestilent beings who from the comfort of their beds give free rein to their writings, are spreading confusion throughout Africa and disturbing the universal tranquillity of the Catholic Church (*et totam Africam universamque tranquillitatem catholicae serenitatis innubilant ad libidinem suam duae pestes*, *Ep.* 3.14). The nature of agitators is also recalled at the start of the letter (*Ep.* 3.4: *turbines ecclesiae vel procellae*).

Zosimus dealt with Caelestius and Pelagius’ appeal to Rome at the same time as with the Gallic affair. In the letter defending Caelestius, he says that he had wanted to write to the

Africans ‘despite the numerous occupations in which the heavy chains of ecclesiastical matters retain him’ (*Ep.* 2.2). It is not inconceivable that the same tribunal that judged Caelestius also examined the case of Proculus’ irregular ordinations. Zosimus emphasizes Lazarus and Heros’ political activity and their close collaboration with the *tyrannus* to sway the African bishops and, almost certainly, also to gain imperial support against their adversaries. The mention of Proculus, in connection with Lazarus being named Bishop of Aix, something expressed in extraordinarily similar terms in *Ep.* 4, strengthens the ties between Gaul and Caelestius and Pelagius’ case.

Zosimus closed the case with his two letters sent to Africa accompanied by a large dossier. However, his authority in the Pelagian dispute was ineffective. The envoy who took the letters to Africa returned immediately with a letter of protest from Aurelius (Aug., *De pecc. orig.* 7.8) and some days later, on 8 November, another envoy brought a letter together with a *volumen* with the approval of the *concilium africanum* requesting Caelestius to condemn the propositions discussed in the council held in Carthage in 411 and Paulinus’ reply: a *libellus* which reasserted Caelestius’ condemnation and announced that he would not go to Rome (Paul., *Libellus fidei* 13; Zos., *Ep.* 12.5). Zosimus replied on 18 March 418 (*Ep.* 12 *Quamvis patrum* = *Coll. Avell.* 50). Half his letter is devoted to affirming the universal authority of the Apostolic See ‘whose sentence no one should fail to uphold’ (*cum nobis tantum esset auctoritatis, ut nullus de nostra possit retractare sententia*, 12.4). However, his tone is conciliatory: the Roman Church has attempted to consult fraternally with the African Church in order to reach an agreement (*sed pariter vobiscum voluimus habere tractatum de illo*). Zosimus, who does not mention Pelagius, says that he has restricted himself to dealing with Caelestius’ *apellatio*, as he had written to Rome to affirm his innocence, and thus used an ancient appeal procedure (Caelestius had appealed to Innocent after being condemned in Carthage in 411). Caelestius had wanted to appear before his accusers and he condemned the misdemeanours of which he had falsely been accused, something that Zosimus had already explained in previous letters. The Africans ought to know that, far from anything having changed, the whole matter remained just as it had been when he wrote a letter about it some months earlier and that he would respect the *obtestatio* (the request to suspend the process) that the Africans had sent him.

This letter reached Africa on 29 April. On the following day (30 April) the emperor Honorius issued a decree condemning the Pelagians for heterodoxy and agitation in the church, and ordered their expulsion from Rome. Perhaps, when he wrote *Ep.* 12, Zosimus had heard that the Court inclined in favour of the African bishops, or perhaps his opinion had changed for other reasons that we do not know. The imperial rescript is extant, and no reference is made in it to the papacy although it includes theological conceptions that are clearly taken from African theology.³⁴ On 1 May, a *concilium plenum* gathered in Carthage (Aug., *Ep.* 215.2). This anathematized the Pelagian thesis in nine canons,³⁵ and its minutes were sent to Zosimus. It is plausible that the African bishops had moved to obtain the imperial decree in the Court of Ravenna, where their petitions were heard.³⁶ Zosimus retracted and wrote his famous *Epistula Tractoria*, which is not extant, but of which fragments survive as well as a somewhat vague description of its contents in the *Commonitorium* of Marius Mercator.³⁷ It was a long text in which the Pope openly condemned the Pelagians and at last spoke of the theological aspects of

the dispute, following the dictates of the African Council. The Italian bishops were called upon to sign it. Nineteen of them, headed by Julian of Aeclanum, refused and were banished. Julian of Aeclanum appealed to the court, but unsuccessfully.³⁸ He accused the Roman clergy of ceding to the pressure of the Imperial edict, the Pope of prevarication (*Ep. ad Rufum* frag. 2a, 2b; *Ep. ad Turbantium* frag. 275), and the African bishops of obtaining the rescript by corrupting court officials (Aug., *C. lul. op. imp.* I.42, denying this accusation), including the *comes* Valerius, with whom Augustine corresponded and to whom the *De nuptiis et concupiscentia* is dedicated. There is indeed proof that at least two embassies headed by Alypius were sent from Carthage to Ravenna but this was later, in 419. The Pelagians accused the Pope of changing his opinion under the pressure of Honorius' decree,³⁹ and it is not inconceivable that the Imperial decree influenced Zosimus, even though Augustine presents the papal decision as autonomous and always speaks of the Pope with reverence.⁴⁰ The Pelagian question did not end there. Zosimus died in December of the same year (418) and the Roman episcopacy was disputed by two candidates, Eulalius and Boniface. This dispute lasted four months until Honorius definitively opted for the latter.⁴¹ The African bishops, who still maintained fluid contacts with the court, obtained a new condemnatory edict from the emperor in spring 419,⁴² giving Aurelius of Carthage the responsibility of having it subscribed to by the African bishops.⁴³

The case of Apiarius of Sicca and other papal actions

Zosimus intervened in other disputes of a disciplinary kind, which he also failed to solve. His conviction that the Roman See had the right to hear appeals and the universal capacity of arbitration led him to accept the case of Apiarius of Sicca (Africa Proconsularis).⁴⁴ Apiarius was a presbyter accused by his bishop, Urbanus (a former monk from Hippo and Augustine's friend), of having entered the church through a dubious ordination, and of having committed (unknown) misdemeanours, for which he had been denounced by a presbyter of Hippo. Apiarius was removed from his post, apparently with errors in the procedure, which led him to appeal directly to Rome, going against the rule that stated that cases concerning the clergy should be tried in their province. Zosimus accepted the case, which can be reconstructed through the *gesta* of the Carthage Council on 25 May 419.⁴⁵ The Pope sent two delegations to Africa to defend Apiarius' right to appeal to Rome, based on canons that he thought were promulgated at the council of Nicea (really they were enacted at the council of Sardica), which authorized Rome to intervene in a wrong sentence and name new judges chosen from among the bishops in neighbouring provinces, who would be assisted by pontifical delegates. It seems that through poor management of the archives the canons from Sardica had been annexed to the Nicene canons in the Roman chancellery. The *commonitorium* that Zosimus placed in his delegates' hands to be delivered to Africa (Zos., *Ep. 15 Vobis commissa*) expressly cites canons 3 and 7 from Sardica,⁴⁶ while recalling that bishops were forbidden to appeal directly to the imperial court (*ne ad comitatum importune episcopi navigent*). If the Bishop of Sicca

did not re-admit Apiarius, he would be excommunicated, either in an African council or in a trial at Rome. The African bishops opposed Zosimus' interference by stating that the canons he cited were not from the council of Nicea, according to their copies, and they agreed to suspend the case while they ordered new copies of them from the Eastern churches. Meanwhile, Zosimus died and his delegates were left waiting in Africa while the dispute between Eulalius and Boniface was resolved. By May 419, when the council of Carthage was held, Apiarius had done penance and could take up his post again, probably in another see. In 425/6, an African council wrote to Pope Celestine reproaching him because Rome had again ignored the Nicene canons and the statutes of the African Church. Apiarius who had been excommunicated from the See of Thabraca, had again appealed to the Pope and been reinstated. One of Zosimus' former delegates went back to Africa to ensure that Celestine's decisions were being upheld, but discovered that Apiarius' wrongdoings were so serious that he ought to be deposed.

Zosimus intervened in other cases in Africa. In summer 418 he became involved in the affairs of Mauretania Caesarensis, although the reasons for this are unknown.⁴⁷ In the provincial council gathered in Caesarea to discuss these (18–20 September), a group of bishops from Numidia were present, including Augustine, Alypius and Possidius of Calama. Although it has been supposed that they acted on the Pope's delegation, there is no proof of this.

On 16 November 418, a month before his death, Zosimus allowed an appeal from a Bishop of Byzacena, who claimed to be the victim of a wrongly instructed legal trial. We know the details of the case from the Pope's letter of reply (*Ep. 16 Miror vos*). The bishop had been tried in a council about fiscal matters. According to him, the judges had become his accusers and called on civil accusers (*telonarii, temonarii*) to form part of the tribunal, contrary to canon law. On this occasion, sick and perhaps tired of litigation, Zosimus avoided causing friction with the metropolitan of Byzacena, Donatianus, and simply made a recommendation (*monitum*) condemning the procedure, which did not keep to ecclesiastical canons, but without passing sentence. The matter must have ended there, as there are no echoes of it in the minutes of the council that met shortly afterwards in the province, nor in those of the council held in Carthage in May 419.⁴⁸

Zosimus took part in other cases where we possess less information, and surely in others of which nothing is known. Regional churches had frequently consulted Rome since Damasus' time. *Ep. 8* (28 February 418), addressed to Bishop Hesychius of Salona (modern Solin) in Illyria, is an example of his less well known.⁴⁹ The Pope determines that monks and laymen should go through an ecclesiastical career from the lower levels (reader/exorcist, acolyte/subdeacon, deacon) to reach higher ranks (presbyter, bishop), with due regard to the correct periods of time in holding each office and having obtained in all ranks an accreditation of righteous faith. Zosimus offers to intervene to ensure that the ordinations are carried out properly if Hesychius considers it necessary.

Zosimus and the Roman clergy

The Pelagian controversy was the cause of a great deal of trouble in Rome. Honorius' decree on 30 April 418 notes that men 'had been divided into zealous and asseverative factions' (*scissis in partes studiis asserendi*); that 'material for unquiet discord has been introduced' (*materia impacatae dissensionis inducta sit*); and the peace of the church had been disturbed (*beatissimae ecclesiae actu nutet attentata tranquillitas*).⁵⁰ Pope Innocent had already been aware that it would not be easy to seek out Pelagius' followers, as he enjoyed solid support in the city (*Apud Aug., Ep. 183.2*). Julian of Aeclanum accused Augustine and his supporters of provoking social agitation in Rome (*Ad Turbantium*, frag. 1; *Ad Florum* I. 73–4, 134; II.2, 128) and it was proven that anti-Pelagian friends of Augustine and Jerome were acting in Rome in defence of the Nicene faith.⁵¹ The rivalry between the two groups led to violent incidents, such as the attack on the anti-Pelagian Constantius (*Prosp., Chron. s.a. 418*).

In late 418, the situation in Rome was tense and Zosimus had to deal with the opposition of his own clergy. *Ep. 14 (Ex relatione)*, on 3 October 418, alludes to a group of rebel clerics who had gone against the stipulations in the canons and addressed the Court to complain about the Pope (*qui contra canones adversum nos ad comitatum*). Zosimus, who claims that he does not know the reasons for the complaint, learned about the delegation through a presbyter from Ravenna, Archidamus, and wrote to the clergy of Ravenna warning them not to accept in communion these Roman clerics as they were *perturbatores et rebelles*, who should have dealt with their complaints in the Roman Church.

Zosimus died on 26 December. The Prefect of the City, Symmachus, who had only been in the post for two days, wrote to Honorius on 29 December (*Coll. Avell. 14*) to inform him of the Pope's death following a long illness, during which it had often been rumoured that he had passed away. He also describes the election of two bishops in Rome, the arch-deacon Eulalius, Zosimus' candidate, and the presbyter Boniface, chosen by the presbyters, and asked the emperor to decide who, in his opinion, was the best candidate. The election caused disturbances between the rival groups for four months, until Honorius, who had initially favoured Eulalius, opted for Boniface.⁵²

Conclusion

Zosimus' policy is illustrative of the slow process by which pontifical jurisdiction was established and of Rome's efforts to become the supreme court of appeal. His claim for the primacy of the Apostolic See is present in all his letters, and appears with a greater frequency and more powerful rhetoric than found in those of any of his predecessors.⁵³ Rome's authority was recognized in the West, but the papal intervention sought rather to uphold canonical law than to arbitrate fully in ecclesiastical disputes. In the early fifth century, the provincial churches maintained a high level of autonomy, which was particularly true in those which possessed a consolidated structure or bishops with a strong personality, such as the African Church which had become accustomed to dealing directly with the imperial court in the Donatist controversy. However, even in churches with a less marked personality, such as in Gaul, the Pope could not impose his decrees. We have seen how Proculus of Marseilles ignore

Zosimus' dictates once and again.

Zosimus' papacy is also illustrative of how much the political situation influenced relations between the papacy and local churches. Contacts between Rome and Africa, which had been practically suspended from 410 to 416, when the Africans asked Innocent to condemn Pelagius, became intense under Zosimus and his successors until they were interrupted by the Vandal invasions. Similar ups and downs occurred in Gaul and Hispania in the first decades of the fifth century. Ultimately, the relationship with power was crucial in the resolution of ecclesiastical disputes. Zosimus enjoyed the backing of Flavius Constantius and Galla Placidia, but that was not enough to succeed in his daring policies, which went against tradition and the balance of power within local churches. Relations with the imperial court were changeable, depending on pressures, the ecclesiastical groups in power, and imperial interests. Honorius' decree about the Pelagians shows that, despite the rhetoric about papal primacy, the court did not take the Bishop of Rome into account and it was still the emperor who had the last word in the solution to ecclesiastical controversies.

Notes

- 1 Under the rubric *epistolae et decreta* 14 of Zosimus' letters are collected in *PL* 20, 639–86 (ed. Coustant) and two related documents are mentioned: *Ep.* 8, *libellus* of deacon Paulinus against Caelestius (*Collectio Avellana* 47, CSEL 35, I, 108–11, ed. Günther) and *Ep.* 13, *Constitutio saluberrima* of Honorius to the Gallic prefect Agricola (*Coll. Arel.* 8 = *MGH Ep.* 3, ed. Gundlach). A further letter by Zosimus (*Licet proxime*) is included in L. Duchesne (1907) *Fastes épiscopaux de l'Ancienne Gaule* (Paris) I, 101–2, n. 2 (also in *PLS* I, 796–8). There is a further letter of doubtful authorship (*Revelatum nobis*), edited and commented by Ch. Babut (1904) *Le concile de Turin* (Paris) 243–265, who defends its authenticity (also in *PL* 20, 703, ed. Coustant, who regards it as apocryphal). Only the letters connected with Pelagianism have been the object of new editions: *Collectio Avellana* CSEL 35, I, *Epp.* 45–6 and 50; L. Dalmon (2011) 'Trois pièces de la *Collectio Avellana*: édition critique, traduction et commentaire', *Recherches augustinienes et patristiques* 36: 195–246.
- 2 Pope Innocent died on 12 March 417 and Zosimus succeeded him on 18 March. The dates of Zosimus' pontificate are given in *Liber Pontificalis* 43, which also provides the only biographical information we have of him. He was born in Greece and was the son of Abramius, which has prompted the suggestion that he was of Jewish stock.
- 3 Viennensis, Narbonensis I and II, Aquitania I and II, Novempopulana and Alpes Maritimae.
- 4 On this legendary figure: Duchesne (1907) op. cit. I, 254. Cf. Zos. *Ep.* 5: (Trophimus) *qui primus metropolitanus Arelatensis civitatis ex hac sede directus est*.
- 5 To follow the evolution of this conflict in the period being studied here: Babut (1904) op. cit. *passim*; Duchesne (1907) op. cit. I, 86–112; E. Griffe (1966) *La Gaule chrétienne à l'époque romaine* (Paris) II, 146–64; Ch. Pietri (1976) *Roma Christiana* (Rome) II, 1000–

- 21; R. W. Mathisen (1989) *Ecclesiastical Factionalism and Religious Controversy in Fifth-Century Gaul* (Washington): 27–60.
- 6 A. Chastagnol (1973) ‘Le repli sur Arles des services administratifs Galois en 407 de notre ère’, *RH* 249: 23–40; Mr. Heijmans (2004) *Arles durant l’Antiquité tardive: de la Duplex Arelas à l’Urbs Genesii* (Rome): 59.
 - 7 E. Demougeot (1974) ‘Constantin III, l’empereur d’Arles’, in *Hommage à André Dupont* (Montpellier): 83–125; J. F. Drinkwater (1998) ‘The Usurpers Constantine III (407–411) and Jovinus (411–413)’, *Britannia* 29: 269–98.
 - 8 For these events: J. Matthews (1975) *Western Aristocracies and Imperial Court. A.D. 364–425* (Oxford): 307–28.
 - 9 *Constitutio saluberrima* (MGH, *Ep.* 8). On the rhetoric of the imperial chancellery in this praise: M. Fixot (2000) ‘La cité et son territoire: l’exemple du sud-est de la Gaule’, in G. P. Gauthier, N. Christie and N. Brogiolo (eds), *Towns and their Territories between Late Antiquity and the Early Middle Ages* (Leiden): 39–44. In Arles, the *concilium* had already met before, in times of the prefecture of Petronius (between 402 and 407/8), which the decree also recalls.
 - 10 Leo, *Ep.* 10.4 (*Divinae cultum*, *PL* 54, 632) explicitly states that Patroclus’ predecessors had never enjoyed that right. When Zosimus writes *Ep.* 6 (26 September 417), he had already collected the signatures of the bishops of Gaul to prove that the claims of Arles were according to tradition.
 - 11 *Ep.* 1.3. Zosimus returns to Trophimus’ authority in *Epp.* 5 and 6.
 - 12 M. E. Kulikowski (1996) ‘Two Councils of Turin’, *JThS* 47: 165.
 - 13 For the identification of this Remigius as the Bishop of Aix, metropolis of Narbonensis Secunda, Babut (1904) op. cit. 235–42.
 - 14 A marriage that Galla was forced into by Honorius, Olymp. frag. 33 (Blockley); Soz., *HE* 9.16.2. H. Sivan (2011) *Galla Placidia* (Oxford): 60–72.
 - 15 *Concilia Galliae A. 314–A. 506*, ed. Ch. Munier (1963) CCSL 148, 52–60.
 - 16 The first extensive study, on which the later debate was based, was by Babut (1904) op. cit., who proposed the date of 417. J. R. Palanque (1935) ‘Les dissensions des églises des Gaules à la fin du IV^e siècle et la date du concile de Turin’, *Revue d’Histoire de l’Église de France* 31: 481–501, replied and proposed 398, the date that has generally been followed. A first state of the question in E. Griffe (1973) ‘La date du concile de Turin (398 ou 417)’, *BLE* 74: 289–95. The discussion has been taken up again recently, with no agreement being reached: D. Frye (1991) ‘Bishops as Pawns in Early Fifth-Century Gaul’, *JEH* 42: 349–61 (a. 417); Kulikowski (1996) op. cit. (between 407 and 416); J. Ulrich (1997) ‘Das Konzil von Turin. Zur Datierung und historischer Bedeutung’, *BJ* 197: 91–124 (a. 417); B. Bleckmann (2003) ‘*Arelate metropolis*: Überlegungen zur Datierung des Konzils und zur Geschichte Galliens im 5. Jahrhundert’, *RQA* 98: 162–73 (a. 398); R. Savarino (2009) ‘Il concilio di Torino’, in G. Tuninetti (a cura di) *Et Verbum caro factum est (Gv 1, 14)* (Turin): 225–52 (a. 398).
 - 17 The arguments of Kulikowski (1996) op. cit., who develops Babut’s thesis, seem convincing to me.
 - 18 As can be understood from Zos. *Ep.* 5: *quod in synodo Taurinensi, cum longe aliud*

ageretur ('when something totally different was discussed'). Given the present limits of space, here I will simply put forward my arguments in favour of this date, without refuting other proposals.

- 19 *Ep. 5: quas proxime numerosa cognitione; Ep. 6.1: multorum consacerdotum testimoniis approbatur.*
- 20 *Ep. 5: licet ipse diu expectatus, fastidiose ferens sibi inducias attributas, convenire dissimulet.*
- 21 *Ep. 7: Quid de Proculi damnatione censuerim, tenet conscientia tua, cum meo interesset examini: nec te gestorum nostrorum auctoritas latet vel scriptorum quae de ipsius damnatione per terrarum diversa direximus.*
- 22 I am not convinced by the arguments in favour of this hypothesis of Frye (1991) op. cit., who denies, against the clear evidence of Zosimus' letters, that there was a council in Rome. Zosimus never alludes to his attendance of the council of Turin. At the time he must have been in Rome, where he was involved in the Caelestius and Pelagius' case.
- 23 *Ep. 3 Valentinae nos (PL 20, 756–8), 13 June 419.*
- 24 *Ep. 12 Difficile quidem 1 (PL 20, 772–4), 9 February 422, to Hilarius of Narbonne, who is authorized to re-establish the order prior to Zosimus' actions. For the policies of Zosimus' successors regarding the privileges of Arles, Babut (1904) op. cit. 124–91; Pietri (1976) op. cit. II, 1011–30; Mathisen (1989) op. cit. 60–8.*
- 25 *Ep. 4 Cuperemus quidem (PL 50, 430–6).*
- 26 *Ep. 10 Divinae cultum (PL 54, 628–35).*
- 27 The *Certum est* edict is reproduced and translated in Babut (1904) op. cit. 178–82.
- 28 For the relations between the Roman papacy and Pelagianism, the best overall study is O. Warmeling (1975) *Rome und Pelagius* (Stuttgart) 134–218, for this phase of the controversy. Here we shall simply deal with aspects that are directly related to Zosimus' policies, and omit many details of the dispute.
- 29 Paulinus' reply indicates that it arrived in Africa on 2 November, at the same time as *Ep. 3*, dated 21 September (*Libellus Paulini* 10).
- 30 L. Dalmon (2009) 'Le Pape Zosime et la tradition juridique romaine', *Eruditio Antiqua* 1: 141–54.
- 31 *Ep. 3.3* contains the only allusion, a very generic one, to the doctrine of grace. This lack of allusions to theology would later allow Augustine affirm that the Pope never approved of the Pelagian dogmas (Aug., *C. duas Ep. Pel.* II.5).
- 32 A different council, previous to the one in 417. Vid. Kulikowski (1996) op.cit.
- 33 Zosimus may have been thinking of a law of 11 December 412, addressed to Africa, which lays down that clerics should be accused with well-documented evidence, *CTh* 16.2.41.
- 34 *PL* 45, 1726–7. The decree is addressed to the Praetorian Prefect Palladius. The edict of the Prefects Palladius, Monaxius and Agricola, which accompanied the publication of the imperial decree, is also extant (*PL* 45, 1727–8).
- 35 *Concilium Carthaginense*, CCSL 149, 69–77.
- 36 J. Patout Burns (1978) 'Augustine's Role in the Imperial Action against Pelagius', *JThS* 29: 67–83; M. Lamberigts (1992) 'Augustine and Julian of Aeclanum on Zosimus', *Augustiniana* 42: 321–8. It is not possible to establish when the Africans appealed for

- civil action, probably in autumn 417 before knowing Zosimus' reply to their *obtestatio* in spring. The imperial decree followed the dictate of the African bishops, as is made clear by Honorius' remark in the letter to Aurelius of Carthage in June 418, when he again condemned the Pelagians: *In quo secuta est clementia nostra iudicium sanctitatis tuae, quo constat eos ab universis iusta sententiae examinatione damnatos*, Aug., *Ep.* 201.1.
- 37 Merc. *Comm. super nom. Cael.* ACO 1, 5, p. 68. On the contents of the letter: O. Wermelinger (1979) 'Das Pelagiusdossier in der Tractoria des Zosimus', *FZPhTh* 26: 336–68.
- 38 Perhaps after Zosimus' death, Aug., *C. Jul. op. imp.* I.10; *De nupt. et concup.* I.2.2: the appeal was blocked by the *comes* Valerius.
- 39 Which is denied by Aug., *C. Ep. Pel.* II.5.
- 40 Lamberigts (1992) *op. cit.* 312–17.
- 41 *Vid. infra.*
- 42 Alypius is accused by Julian of Aeclanum, Aug., *C. Iul. op. imp.* I.7, but Alypius' first visit to the Court is dated to October 419. Aug. *De nupt. et concup.* II.1.1 points out that on that occasion Alypius brought materials that Valerius had given him.
- 43 The imperial letter to Aurelius, dated 9 June 419, is extant. It was accompanied by a copy for Augustine, Aug., *Ep.* 201. It states that, since the previous decree had not been applied, a new one had been issued recently (*recenti quoque sanctione decrevimus*).
- 44 Pietri (1976) *op. cit.* II, 1250–7; J. E. Merdinger (1997) *Rome and the African Church in the Time of Augustine* (New Haven): 111–35; T. Sardella (2001) 'Continenza e uxorato del clero nell' Africa di Agostino', in F. E. Consolino (a cura di) *L'adorabile vescovo di Ippona* (Calabria): 166–9.
- 45 *Canones in causa Apiarii*, in *Concilia Africae*, A. 345–525, ed. Ch. Munier (1974) CCL 149, 10–72.
- 46 The c. 3 is about episcopal appeals to the Roman See and authorizes the Bishop of Rome to send arbitrators to a trial carried out by bishops of neighbouring provinces. The c. 7 is about the clerics' appeal against the episcopal verdict. T. Sardella and C. Dell' Osso (2008) *Decretali, concili romani e canoni de Serdica*, in A. di Berardino (a cura di) *I canoni dei concili della chiesa antica II. I. I Concili latini* (Roma): 320–37.
- 47 Aug., *Ep.* 190. Cf. Aug. *Retrac.* 2.51; Pos. V. Aug. 14. On this embassy: G. Bonner (1964) 'Augustine's Visit to Caesarea in 418', *Studies in Church History* (Edinburgh) I, 104–13.
- 48 Pietri (1976) *op. cit.* II, 1249–50.
- 49 The decretal was inspired by one from Innocent to Himerius of Tarragone in 385. T. Sardella and C. Dell' Osso (2008) *op. cit.* 157–63.
- 50 Trans. P. R. Coleman-Norton (1966) *Roman State & Christian Church* (London) II, 586–8.
- 51 Aug. *De pecc orig.* 9; *Ep.* 193.1.1; Jer. *Epp.* 138, 139, 151, 152, 154.
- 52 For this schism: Pietri (1976), *op. cit.* I, 452–60, II 948–50; S. Cristo (1977) 'Some Notes on the Bonifacian-Eulalian Schism', *Aevum* 51: 163–7.
- 53 For the vocabulary in the affirmation of the Apostolic See's authority in the papal letters: D. Jasper and H. Fuhrmann (2001) *Papal Letters in the Early Middle Ages* (The Catholic University Pr.) 15, 31, n. 130. According to Pietri (1976) *op. cit.* II, 1011, 'jamais le style pontifical n'avait entonné un chant d'autorité aussi altier' ('the pontifical style had never

intoned such a haughty song of authority’).

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East and West, Emperor and Bishop: Hormisdas and the Authority of the See of Rome*

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According to a contemporary Roman proverb – when a pope dies, one simply makes another. In a similar way one could refer to the Roman emperors of times gone by. The casual connotations, however, of the modern expression, implying no great changes nor ‘earthquakes’ upsetting any current *status quo*, do not always seem to hold true for those characters of the distant past, particularly when a new bishop of Rome joined forces with a new emperor at Constantinople. At the end of the second decade of the sixth century ad, when an Illyrian general took the imperial purple in the East, a window opened for the man who occupied the See of Peter in the West. The church had been divided for a good period of time. East and West had not been in communion for over 30 years, and even East and West themselves had not seen unity for as long as one could remember. Every bishop throughout the known world disputed the authority of every other bishop, clergy and monks everywhere had the greatest difficulty to obey, and the faithful probably asked themselves most of the time what or whom to believe. Shortly after the accession of Emperor Justin I (ad 518–27), the relationship between Constantinople and Rome was restored. Much more so, it even offered Pope Hormisdas (ad 514–23) the golden opportunity to demand the complete subjection of all of Christendom to the faith and the authority of the Apostolic See of Rome.

After extended and continued times of trouble, due to schisms, heresies and theological disputes, the Council of Chalcedon (ad 451) was yet another significant attempt to restore, or rather: establish unity within the church.¹ As is well known, Chalcedon failed in its intentions, and probably caused even more divisions in its wake than had been known before, and that were to last for centuries to come. For the time being, however, a certain unity between the churches of East and West had been achieved – even though Pope Leo I (ad 440–61) had hesitated for some time to accept the decisions of the Council, particularly because of canon 28, which recognized Constantinople as equal to Rome.² The participants to Chalcedon agreed to Leo’s very own *Epistola dogmatica ad Flavianum*, better known as his *Tome*. This dogmatic letter on the two natures of Christ united in the one divine person of the son of God and addressed to Flavian, patriarch of Constantinople, had originally been sent to the Robber Council of Ephesus in ad 449. Now, two years later, this document was accepted, stating that the apostle ‘Peter has spoken thus through Leo’.³ In its Definition of the Faith, the council agreed and proclaimed that Christ was, is, and ever shall be one person in two natures, both God and man – ‘nature’ (φύσις) not to be understood in a merely generic sense, but actually as an individual being. On 7 February 452 the emperor Marcian (ad 450–7) issued a decree,

addressing the people of Constantinople, and in them the empire at large:

All, therefore, shall be committed to the decision of the sacred Council of Chalcedon and not yield to further doubts. Keep, therefore, to this edict of our Serenity: refrain from profane words and desist from all further debate of religion.⁴

These words clearly express the finality of the emperor's ruling: everyone was to submit to the imperial will, and follow the decisions of the council. Most of the bishops within the empire had already done so, apart from a number of Egyptian prelates, and monks that had allied themselves to them. In an attempt to deal with the opposition in Egypt, the Chalcedonian Proterius was forcefully installed as patriarch of Alexandria, elected by the council to replace Dioscorus, who had been deposed by the very same council, as he had been one of the key players at the *Latrocinium* of Ephesus.⁵ There were others, too, who opposed to Chalcedon and uttered their disagreement, such as Eustathius of Berytus and Amphilochius of Side. Apparently after having been assaulted, the latter had been forced to sign the agreement to Chalcedon. Eustathius, who had so keenly supported Dioscorus, also claimed that he had signed under 'severe pressure and without agreement'.⁶ From ad 452 onwards, however, the decisions of Chalcedon were to be considered as imperial law. Having been hailed by the council as the 'new Constantine, the new Paul, the new David', and the 'torch of orthodoxy', and the Empress Pulcheria as the 'new Helena',⁷ Marcian vehemently adhered to the decisions of Chalcedon until his death in ad 457. The unity of the Christian Church, so rudely disrupted by the actual event and the decisions of the Robber Council in ad 449, had been restored, at least seemingly. Whereas the bishops of the Eastern half of the empire had still been so deeply divided in the previous years, Chalcedon, particularly in its later sessions, had united them to all intents and purposes, voting their agreement to all canons. With this event, the authority of episcopal government was reaffirmed, particularly in respect to the monks. Bishops gained considerable influence and power over monasteries, in terms of both buildings and people. Henceforth, much to their content, no new monasteries were to be built without the bishops' consent. Monks were completely subjected to the episcopate, with excommunication as a most helpful tool to enforce its undisputable authority.⁸ Unity among the bishops themselves, however, rested on a very fragile basis. Their united front against previous aggressive attempts to monastic hegemony was only the proverbial tip of the iceberg in a sea of existing and looming controversies.

Opposition, both immediate and longer term, arose, at first in Egypt and Palestine, but then subsequently also in Syria. As soon as the emperor Marcian's death became known in Egypt, the Egyptians elected a follower of Dioscorus, a man called Timothy Aelurus (Ailuros, 'the Cat'), as the new patriarch of Alexandria, against the Chalcedonian Proterius. The latter fled, but was captured and subsequently, on 28 March 458, murdered. Traditional attitudes from the time before the council gradually hardened, and various episcopal sees in both East and West were less and less willing to compromise. The Bishops of Rome and Alexandria clearly found each other in their rejection of canon 28, which recognized a whole set of prerogatives to their colleague at Constantinople. Apart from this common interest, however, the two sees were completely unable to agree on Leo's *Tome*, as well as most other findings of the council. Constantinople did accept Chalcedon, albeit rather reluctantly, and probably under a certain

degree of imperial pressure, having the emperor residing practically next door. At the same time, however, the Bishop of New Rome was determined to defend his new prerogatives, if necessary even at the expense of the episcopal sees of Old Rome and Alexandria. Jerusalem, also recently recognized as a patriarchate by Chalcedon, found itself mostly torn between Constantinople and Alexandria – due to the senior, imperial position of the former and the physical proximity of the latter. Antioch more or less seemed to resort to draw upon its former fame and glory of the fourth century. And Rome, increasingly so, consistently and insistently played its card of apostolic authority: the See of the Apostle Peter had placed it above and against all others.⁹

Chalcedon had acknowledged the authority of Cyril of Alexandria (c. ad 376–444), who had played a major part at the First Council of Ephesus (ad 431) and the Christological controversy, but without adopting all of his ideas.¹⁰ Opponents, however, felt that instead the contrasting and conflicting beliefs of Nestorius were being followed by Chalcedon, despite the fact that it had publicly denounced him. Nestorius had been deposed 20 years earlier at Ephesus, precisely because he had been charged with separating the human and divine natures of Christ. According to these very opponents of Chalcedon, Christ has only one nature, not two. His human nature was not distinct from his divinity, as these ‘monophysites’ or ‘miaphysites’ would continue to insist, but simply a variation on a theme: the Divine Word made flesh.¹¹

The unity of the church, seemingly established by the Council, rapidly came under serious threat, again. In its aftermath, not only religious leaders and authorities objected to Chalcedon’s findings, and rejected part of its canons or even the full body of its Definition of the Faith. Christian groups and even communities at large also remained discontent, and rebelled against the conciliar decrees, as well as against those in authority executing them. Bishop Juvenal of Jerusalem, who had managed to obtain from the Council the recognition of Jerusalem as a patriarchal see, met with considerable resistance from the Palestinian monks. Emperor Marcian went to great lengths to suppress this defiance and sometimes even violent opposition. Trying to ‘solve’ dissent and division, he deposed unruly bishops and sent them into exile. His policies, however, did not have the desired effect, or at most only temporarily so. Marcian’s successors, facing similar difficulties in the following decades, pursued a whole different approach. As various factions and fractions within the church continued to rebel, and as the achievements of the Council were received with only restricted enthusiasm and approval, the safer option for consecutive emperors was that of appeasement of the rivalling groups rather than oppression and persecution. All these circumstances prepared the ground for the *Henotikon*, an imperial edict, which provided considerable leeway for all those in favour of Chalcedon and for everyone against it, as well as for the imperial authorities trying to tackle the many issues related to it.¹²

This so-called instrument of unity was issued by Emperor Zeno (ad 474–91) on 28 July 482, after it had been carefully drafted by the patriarch of Constantinople at the time, Bishop Acacius (ad 471–89).¹³ It was addressed to the bishops and clergy, the monks, and the laity of Alexandria, as well as all of Egypt and Cyrenaica. Its immediate aim was to restore unity to the churches, and to reconcile Constantinople and Alexandria. With the *Henotikon*, the emperor modified the imperial take on both Cyril of Alexandria and the findings of the Council of Chalcedon, in an attempt to find common ground for both patriarchal sees. It sought to obtain

the approval for Cyril's teaching on the unity of Christ. Concomitantly, the document insisted on Christ's double consubstantiality, being of one essence with the Father and with mankind. Zeno reiterated that the faith of the church was that of the three ecumenical councils of Nicaea, Constantinople and Ephesus I. With imperial support the monks had regained most of their spiritual ground, lost to the bishops after Chalcedon. Elevating the Council of Nicaea and its Creed to a unique importance, the decisions of the Council of Chalcedon appear to have been reduced 'to the status of the disciplinary body responsible for condemning the heretics Nestorius and Eutyches', as Frend puts it.¹⁴ In all this, however, Rome was forgotten.

Even though in form it was written as a letter from the emperor to the patriarch of Alexandria and his community, the *Henotikon* was actually intended as a detailed set of canons of belief that would serve as the basis of the restoration of the unity of the church throughout the empire – with, of course, a different political situation in the West, now. With the demise of imperial rule in Italy and the Western provinces, a power struggle had begun, in which a certain bishop of a certain see rapidly became one of the key players: the Bishop of Rome rejected the *Henotikon*, and even regarded it as a denial of Chalcedon and the orthodoxy it had sought to establish, whereas all Eastern patriarchs and bishops had agreed to it. It caused a schism between the two bishoprics of Rome and Constantinople, as the former broke off communion with the latter in the figure of Bishop Acacius, the designer of the decree.

But also within and among the Eastern parts of the empire it led to the rise of a number of smaller groups of resistance, like the Council of Chalcedon had done in its wake. Peter Mongus (ad 482–9) and his successors at Alexandria openly voiced unconditional support for the *Henotikon*, at least towards the emperor and the other patriarchs. Behind this façade, however, they seemed quite content issuing anathemas against the outcome of Chalcedon and Pope Leo. More and more, the opponents of Chalcedon began to regard the *Henotikon* as a rejection of this Council, and to apply it as an instrument against its supporters.¹⁵

The patriarchs of Constantinople remained loyal to the Chalcedonian decrees – quite obviously, as Chalcedon had promoted the imperial capital to patriarchal rank, equal to the other patriarchates in the East, over which it had now even gained primacy, and to Rome. Whether it was by an outspoken, from time to time even aggressive, bishop like Euphemius (ad 490–6), or by a more moderate one, such as Macedonius (ad 496–511) – the Constantinopolitan See remained occupied by Chalcedonians.

At Antioch, sentiments were mixed. Depending on who held the episcopal reins – Peter Fullo, Callandio, Palladius, Flavian II and Severus – the *Henotikon* was either accepted or rejected. The same was true for Jerusalem, where views and loyalties shifted along with the patriarchs. Bishop Martyrius (ad 478–86), for example, had wanted to accommodate both Chalcedonians and all those who had been against the outcome of the Council, and had issued a document in similar terms to that of Emperor Zeno. Patriarch Elias (ad 494–516), however, in close alliance with pro-Chalcedonian Palestinian monks, fought vehemently against those who saw the *Henotikon* as a weapon against Chalcedon.¹⁶

Rome, then, had been taken by surprise. A few years before the *Henotikon* was actually issued, differences in church politics had already begun to arise between Bishop Acacius at Constantinople and Simplicius (ad 468–83), who was seated on the *cathedra Petri*. At first, Acacius had kept the Bishop of Rome abreast of the erroneous ways of Peter Mongus, former

deacon of Timothy Aelurus at Alexandria, who had expelled Patriarch Proterius in ad 457 and had subsequently begun to persecute Chalcedonians. Mongus had actively participated in these persecutions. After 'The Cat' had died in ad 477, his supporters had elected Timothy's deacon Peter as his successor. At the time, however, Emperor Zeno and Bishop Acacius very much favoured Timothy Salophakiolos, a supporter of the Council of Chalcedon.¹⁷ Acacius had even insisted that Rome would excommunicate Peter, along with John Codonatus of Apamea.¹⁸ Nevertheless, shortly afterwards Acacius must have begun to accept Mongus as the rightful occupant of the See of Alexandria. Simplicius remained steadfast in his dislike, and even his rejection of Peter, who should not even be tolerated anymore as a deacon, but merely admitted to lay communion only, as Simplicius wrote to Acacius on 15 July 482.¹⁹ It seems, however, that Rome had become isolated in its stance. Two weeks later, the *Henotikon* was issued. Matters escalated, particularly after the death of Simplicius in March 483. His successor Felix III took up spiritual arms against the emperor and the bishop at Constantinople. Acacius was excommunicated on 28 July 484, and a few days later Zeno was told by Rome to choose between Peter, the Apostle and Peter Mongus.²⁰

After its issue, the *Henotikon* had remained the manifestation of the imperial policy towards the church at large, and the issues related to Chalcedon in particular, throughout the remaining years of the reign of Zeno and that of his successor, Emperor Anastasius (ad 491–518). In the end, the *Henotikon* had proven to be a complete failure in its attempt to reconcile Chalcedonians and non-Chalcedonians – at most it had blurred the boundaries between the two parties, but it had not brought them (back) together. At some point, Anastasius had to give in. The monophysites, or miaphysites, had managed to have the rather extremist Palestinian monk Severus elected as Bishop of Antioch, who vehemently advocated the *Henotikon* as an instrument to condemn the Council of Chalcedon. The emperor, however, did not want to see this bridge burnt between himself and the Chalcedonians. He had to alter his religious policies, and publicly distance himself from Severus, the miaphysites, and their religious convictions, and even start negotiations with the Bishop of Rome. The *Henotikon* had been too comprehensive, which initially seemed to be an advantage, its strength even. In the end it turned out to be its greatest weakness, not having ever defined a distinct position. Ultimately, following Anastasius' death, the situation was completely reversed, and Chalcedon and its Definition of the Faith were restored to be the essence of orthodoxy, as Emperor Marcian had wanted it in the first place.²¹

The *Henotikon* had failed – which nobody can deny. Having died childless on 9 July 518, Anastasius was succeeded by his commander of the palace guard, Justin I (ad 518–27). Originally a peasant and a swineherd, he had risen through the ranks of the army through his remarkable military abilities, to become a general, and to eventually hold the position of *comes excubitorum*. Justin was initially only supposed to bribe the imperial troops, in favour of the accession to the throne of another pretender, but, cash in hand, and by the will of God, the army chose Justin.²² Now, new cards were put on the table at the imperial court in Constantinople. The final years of Anastasius' reign had already seen a change in religious policies. It is not unthinkable that from 20 July 514 onwards this could also have been the result of a new pair of feet in the 'Shoes of the Fisherman'. Hormisdas (ad 514–23), shortly

after his election as Bishop of Rome, first set out to resolve the Laurentian schism in Rome.²³ Subsequently, judging by the bulk of his surviving correspondence, his principal concern seems to have been the full restoration of communion between the Sees of Rome and Constantinople.²⁴ The accession of Justin I marked the appearance of a ‘new kid on the block’, almost 70 years of age, who most certainly must have helped to reverse his predecessor’s policies. In fact, the new emperor’s actions are perfectly understandable. The situation within the church was not quite to be labelled prosperous, nor did it appear promising. As the church historian Evagrius wrote:

‘During this period, whereas the Synod at Chalcedon was neither openly proclaimed in the most holy churches nor indeed universally repudiated, each of the prelates conducted himself according to his belief . . . As a result all the churches were divided into distinct parties, and their prelates had no communion with one another. Consequently it came about that there were very many divisions both in the East and in the Western regions and in Libya, since the Eastern bishops were not on terms with those in the West or in Libya, nor in turn were the latter with those in the East. The situation became [still] more absurd. For the prelates of the East were not even in communion with each other, nor indeed were those directing the sees of Europe or Libya, and much less so with outsiders.’²⁵

Up to this point Christianity had remained divided. The world consisted of numerous mini-Christendoms, instead of a single, united Christian faith. The church, rather than being dressed in proper, virginal white as the Bride of Christ, looked far more like a *Fleckenteppich* – a patchy quilt, its old tears rapidly sewn up, but with new ones appearing almost instantly, and constantly. And so the policy of appeasement, which had caused too much ‘sewing’, was abandoned. The *Henotikon* was to be replaced by a *libellus* coming from the hand of the Bishop of Rome, Hormisdas, who had precipitately turned into a most influential figure. The nature of his *libellus* was completely different from that of the *Henotikon*. Whereas the latter decree had tried to bring rivalling parties together, by pointing out a shared tradition as much as possible, the former did not show any intention to compromise: all parties, factions, congregations, and communities of the faithful, their leaders, as well as individual souls, were to subject themselves to the faith and the authority of the See of Rome. The *libellus*, or *Formula Hormisdas*, and its enforcement created a sharp division, whereas previously the *Henotikon* had still allowed for a certain blur. The followers and supporters of Chalcedon accepted Hormisdas’ demands. Many of the non-Chalcedonians, however, chose exile and began to form a dispersed community, a movement, which eventually developed into a church of its own.²⁶ At this point, however, it is necessary to turn to the man – or men – behind the initiative, and to what might actually have motivated him – or them – to produce the *libellus* in the first place: the Bishop of Rome, Pope Hormisdas – and Emperor Justin I.

Emperor Justin came from the Latin-speaking diocese of Dacia. His Illyrian origins have always been taken as one of the main reasons why he was such a convinced and fervent Chalcedonian, as well as a keen supporter of the See of Rome.²⁷ As Menze rightly points out, however, there is no evidence that suggests that the new emperor had been anything of such kind before his accession to the imperial throne. Sympathizing, or indeed: siding, with the Chalcedonians as an emperor, does not imply that such sympathies already existed at an earlier

stage, when still on the way to Constantinople. The flatteries coming from Justin's nephew, the later emperor Justinian (ad 527–65), referring to his uncle's zeal and his commitment to the orthodox faith, as well as letters written by the Bishops of Rome and Constantinople mentioning (only in passing) Justin's contribution to the unity of the churches before he took the imperial purple, are not necessarily representative of the emperor's character and actions, and certainly do not prove him to have been a true Chalcedonian.²⁸

Despite his 'Western' roots, young Justin went East, probably driven by the rural poverty of the Balkans, as a result of the devastations caused by invading groups of Huns, which had become regulars in this part of the Roman Empire since ad 447. Without any education, and perhaps only baptized with no further exposure to the Christian faith throughout his youth, Justin arrived at Constantinople when he was 20 years of age. As a destination, Constantinople was the obvious choice at the time, as Rome would have been further away from where he took off, and it was slowly slipping through imperial fingers. Constantinople was the very centre of the world. It seems to be true, though, according to the *Chronicle* of Count Marcellinus – himself an Illyrian – that the Illyrians in the capital continued to have a strong sense of their ethnic and cultural origins, including a great respect and a religious inclination towards the Bishop of Rome. It is not unlikely that Justin was also influenced by such sentiments.²⁹ This being said, it does not allow for any further implications towards a possible allegiance to the Definition of the Faith of the Council of Chalcedon. Menze, following Croke, continues to convincingly argue that it might even have prohibited Justin in his military career. Generals obviously were in charge of their armies, but they were also important players in the game of imperial politics. This meant that they also often possessed an extensive knowledge of theological and religious issues, including the emperor's stance, his beliefs and convictions, his intentions, and his measures towards matters of the church, and the groups represented therein. In order to advance in rank, it would undoubtedly have been to any officer's advantage to share in the emperor's creed, or in any case appear as neutral, or even as indifferent, as possible to the various religious groups and the controversies among them. Justin pledging loyalty to Chalcedon under the non-Chalcedonian Anastasius might not have worked to his advantage.³⁰ He only began to show his true colours immediately following the emperor's death.

When Anastasius died, he had not made arrangements for his succession. As the result of a quick series of events, developments and circumstances, among which fraud and the appropriation of funds were pretty much at the top of the list, Justin managed to secure his own election to the imperial throne, backed by a large part of the army and the traditional circus factions at Constantinople. As Alan Cameron describes, it was at the very last moment that Justin came into the picture as an imperial candidate. As opposed to several other pretenders, he was of the right standing, and he could also count on the support and the authority of the Senate, the physical presence of the patriarch of Constantinople to crown him on the spot – 'and he had taken the precaution of avoiding the embarrassing fate of John [a tribune] by checking *in advance* with the [factions of the] Blues and the Greens'.³¹ This 'checking *in advance*' no doubt had involved a sufficient flow of cash – the money that Justin had initially been given by Amantius, the *praepositus sacri cubiculi*, to help the aristocrat Theocritus onto the throne.³² A day after the old emperor's passing, Justin was crowned in the Hippodrome at

Constantinople, on 10 July 518. He immediately faced serious threats and opposition, both at court and in the provinces, and so a number of swift choices had to be made. His opponents at the palace were in first instance, of course, the ones whom he had bypassed and whose spondulicks he had incidentally so generously and freely given away. It might not have been a coincidence, however, that these adversaries, headed by Amantius, were all non-Chalcedonians and members of the network of Severus, the former Palestinian monk and now patriarch of Antioch. Indeed, it might even have inspired Justin to his deeds, in an attempt to halt their influence and power at Constantinople. Both Amantius and Theocritus were executed.³³ Simultaneously, around the corner in Thrace, the Goth Vitalian, a more than zealous supporter of Chalcedon, was still heading an army. He had already marched a number of times against the imperial capital, convinced as he was that Emperor Anastasius had erred and strayed from God's ways like a lost sheep – not following the Chalcedonian Definition of the Faith. Vitalian wanted to end the religious conflict between Rome and the East, and was all set and prepared to march against Constantinople, again, should the new emperor denounce Chalcedon just like his predecessor had done.³⁴ Siding with the Chalcedonians at Constantinople and elsewhere, Justin could only play his political cards right, averting the danger of armed hostilities. But rather than just seeing it as a military threat, which might have instigated Justin to 'pick the right side', having Vitalian and his troops only at a stone's throw from his imperial palace could also have given him the confidence to come out as a full Chalcedonian.

As already mentioned above, the See of Constantinople had remained loyal to the decrees of the Council of Chalcedon. Despite this adherence, old Rome had broken off communion with new Rome ever since Zeno's *Henotikon* had been issued. The occupants of the See of Peter did not recognize their Constantinopolitan brothers in the patriarchate. The last one to serve under Emperor Anastasius, Bishop Timothy (ad 511–18), had had the almost impossible task to please and appease his non-Chalcedonian imperial master, as well as the Chalcedonian monks of his bishopric. With the accession of Emperor Justin, the tide had turned. It was entirely in his own interest to bid his gaze upon the West – regardless of whether it was his own personal conviction, or Vitalian's vicinity. The Chalcedonians at Constantinople and in the East had always maintained the greatest respect for Rome, and the spiritual and theological authority that it represented. The Bishop of Rome, even during the years of the Acacian schism, had often been the recipient of questions or petitions concerning religious issues, sent by Chalcedonian Christians from the East about practically everything they had always wanted to know about Christ but were afraid to ask in Constantinople, or any of the other sees of the East – or rather: they had asked, but never received any satisfactory answers, hence the Bishop of Rome became for some of these Eastern Chalcedonians their spiritual guiding light and prime communicator. Being the religious figurehead that he was, it was of the greatest importance to any emperor adhering to the Definition of the Faith of Chalcedon to have the Bishop of Rome on his side. Furthermore, for Justin a Roman alliance also meant a certain legitimatization for a position that was obtained under – at least – questionable circumstances.³⁵

And so the first step was made by the emperor in the East. It was Justin who wrote to Pope Hormisdas on 1 August 518, to inform him that:

. . . first through the favour of the inseparable Trinity, and subsequently through the choice of the most noble foremen of our sacred palace, and of the most sacred Senate, and surely also of our exceedingly brave army we have been elected and confirmed Emperor, even though we did not want it and had refused it.³⁶

The bridge between Constantinople and Rome, between East and West, had been restored, as this initial communication between Emperor Justin and Pope Hormisdas was followed by a series of negotiations all the winter long. Had the first move been to the emperor, the Pope soon took the reins, and steered Constantinople exactly into the direction it had wanted. In January 519 papal legates were sent to the imperial court, carrying with them a *libellus* produced by Hormisdas.³⁷ In this papal document, the *Libellus Hormisdas*, the names were listed of all those whom Rome wanted to be publicly condemned and exposed: all the anti-Chalcedonian, as well as the Chalcedonian, patriarchs of Constantinople, Antioch and Alexandria, had to be denounced for their acceptance of Zeno's *Henotikon* – only then could communion with Rome be restored. Whilst travelling to Constantinople, the papal legates presented the *libellus* to bishops in Illyricum for their signature. The Roman delegation was finally met by Vitalian and Justinian, the emperor's nephew and later heir to the throne, and escorted to the imperial capital.³⁸ After the *libellus* had finally arrived in Constantinople, Patriarch John was practically forced to sign it, on 28 March 519. By doing so, he allowed for the names of Timothy 'the Cat', Peter Mongus, Peter Fullo and their followers, as well as Acacius, Fravita, Euphemius, Macedonius and Timothy, all of Constantinople, and the emperors Zeno and Anastasius to be erased from the diptychs of the churches in Constantinople.³⁹

The reception of the *Libellus Hormisdas* was mixed, as was to be expected. Despite its rigorous nature, and condemning practically all Constantinopolitan patriarchs since 482 and including even Emperor Justin's predecessors in the anathemas,⁴⁰ people in Constantinople itself seemed to welcome the renewed communion with Rome. Elsewhere, opposition arose, like in Thessalonica, where the metropolitan, Bishop Dorotheus, sent large sums of money to Constantinople, probably in order to start an uproar – he sent so much that 'it could even blind angels'.⁴¹ He was also behind a bloody incident in his own city, in which a papal legate was injured and several of his servants died.⁴² Such violent reactions called for caution, on behalf of Emperor Justin in the first place, as he was still trying to come to terms with the conditions under which he had taken possession of the imperial throne. Enforcing unpopular policies, and perhaps particularly in the case of religious rules and regulations, could easily turn into the most efficient instrument to lose power as rapidly as one had obtained it. And so the emperor slowed down in denouncing deceased patriarchs, and punishing and exiling living bishops who refused to agree to the *libellus*, not too keen on burning his fingers nor losing his head, most likely very much against the wishes and desires of Pope Hormisdas.

The importance of the *Libellus Hormisdas* should not be underestimated. In the first place, it ultimately caused a significant and lasting breach between the Church of Rome and Christian communities in the East. Secondly, it greatly contributed to the gradual establishment of Roman primacy, at least in the West. As Menze points out in his study of Emperor Justinian and the formation of the Syrian Orthodox Church, the *libellus* 'was a carefully crafted document

originally written in 515 which first of all postulated Rome's authority in matters of faith. It proclaimed Chalcedon from a Western perspective by outlawing the Eastern post-Chalcedonian past and theological developments'.⁴³ Hormisdas had practically every patriarch of Constantinople, Alexandria and Antioch that had not followed the principles established at the Council of Chalcedon declared a heretic. All these heretics were no longer to be remembered during Mass, during the particular part of the liturgy in which the diptychs were read out, commemorating both the living and the dead – their names were to be erased from these tablets. As long as a living bishop accepted Rome's ordinance, he would be allowed to stay in office.

With his *libellus*, Hormisdas made everyone bow to the authority of the See of Rome, particularly the East, founded on the very words of Jesus Christ: 'Thou art Peter and upon this rock I shall build my Church'.⁴⁴ In claiming a continuity in time, an unbroken tradition since the time of the apostles, since Peter came to Rome, Hormisdas, like some of his predecessors, put forward an orthodox past, and hence a justification for primacy. Concomitantly, Hormisdas anathematized all heretics: Nestorius, the former bishop of Constantinople, condemned at Ephesus, and Eutyches, also from Constantinople; Dioscorus of Alexandria; and all those post-Chalcedonian patriarchs already mentioned. Throughout time, and particularly after the Council of Chalcedon, only Rome had retained the true faith. It is rather significant, however, to observe that Hormisdas never dared to touch a living patriarch. Already in the years before, when Anastasius was still alive and ruling, Hormisdas had tried to put forward his demands, but to no avail. He quickly found out 'how crucial the support of the emperor and the capital was in order to achieve anything in the East'.⁴⁵

Pope Hormisdas rose to the occasion when Emperor Justin's initial letter came, letting the Bishop of Rome know of his accession to the imperial throne. The emperor needed a powerful ally, and the bishop an imperial bandwagon – both desired the bridge between East and West to be rebuilt. Writing to Justin, Hormisdas kindly reminded him that the acceptance of his *libellus*, previously rejected by Anastasius, was his 'only' requirement for the restoration of communion between Old and New Rome.⁴⁶ This meant that the emperor had to accept the Definition of the Faith of the Council of Chalcedon, including Pope Leo's *Tome*. Hormisdas also demanded for this change of religious policy to be known all throughout the lands, by way of an official statement. The *Libellus Hormisdæ*, together with an imperial letter, would become legally binding for every subject of the empire.⁴⁷ The cards on the table had definitely changed – when the *Henotikon* was issued, the Bishop of Rome had objected to this brutal imperial imposition of a redefinition of religious beliefs. Now, Pope Hormisdas applied the same tools. It was time for his empire, the Church of Rome, to strike back. Papal *auctoritas*, together with imperial *potestas*, advanced the faith of Rome, and that of Chalcedon, throughout the East.⁴⁸ Every bishop of the church, throughout the empire, had to sign the *libellus*.⁴⁹ A small step for the man Hormisdas meant a giant leap for the papacy. What no council thus far had been able to accomplish, the establishment of the primacy of the See of Rome, had now been achieved through the collaboration of Emperor Justin in the East and Pope Hormisdas in the West.

In conclusion: it has often been argued that the 'completeness of the triumph [. . .] had been

largely due to the emperor [. . .] Justin'.⁵⁰ Although the emperor's role was essential, and his contribution tremendous, one could, and perhaps should, attribute a greater part to Pope Hormisdas. It took someone like him to play his cards right, at the right moment, with the right emperor. A strong believer in Chalcedon, and arch-deacon of Rome, he became elected to the Apostolic See of Rome. He seems to have been a prime example of intelligence and charisma combined. The massive amount of correspondence that has remained – all brought together in the *Collectio Avellana* – demonstrates how prolific a writer and influential a bishop he must have been. Wanting to set the records straight, frustrated perhaps with the ways his brothers in (patriarchal) arms and their predecessors had always treated Rome and were still treating it – at the opportune moment Hormisdas took an important step along the road towards some sort of primacy of the *Cathedra Petri*. Existing in some form or another before, not at all recognized by the other patriarchs within Christendom, the political and religious circumstances of the empire and the parts that used to belong to it, allowed our man in Rome to move. As mentioned before, the emperor needed an ally, and the pope an imperial bandwagon. Perhaps Hormisdas might not have been able to move without it – nevertheless, he is still the one who jumped on it.

Notes

- * I would like to express my gratitude to Mar Marcos and José Fernandez Ubiña for their very kind invitation to participate in their international and interdisciplinary research project '*Libertad religiosa, persuasion y coaccion en la Antigüedad Tardía (s. III-VI): Teoría y praxis*'. The conference in Granada from 29 September–1 October 2011, and now this volume, on *Conflictos y compromisos. El papel del Obispo en la Antigüedad Tardía*, are the rich fruits of a wonderful collaboration. I would also like to thank Andrew Fear, for his patience and persistence in editing this volume, and for all his help. Finally, I am extremely grateful to Peter van Gorp, whose continuing labours are a tremendous contribution to a better understanding of the *Collectio Avellana*.
- 1 The standard edition is E. Schwartz (ed.) (1932–8) *Acta Conciliorum Oecumenicorum II* (Berlin). A highly valuable, complete English translation with notes of all the material is provided by R. Price and M. Gaddis (2005) *The Acts of the Council of Chalcedon. Translated with an Introduction and Notes*, Translated Texts for Historians 45, 3 vols (Liverpool). Very useful is the collection of essays, placing Chalcedon against its background: R. Price and M. Whitby (eds) (2011) *Chalcedon in Context. Church Councils 400–700* (Liverpool). See also some other relevant works about or related to church councils: L. Ayres (2004) *Nicaea and its Legacy: An Approach to Fourth-Century Trinitarian Theology* (Oxford); A. Grillmeier (1982) *Jesus der Christus im Glauben der Kirche*. Vol. 1: *Von der apostolischen Zeit bis zum Konzil von Chalkedon (451)* (Freiburg); id. (1991), *Jesus der Christus im Glauben der Kirche*. Vol. 2.1.: *Das Konzil von Chalcedon: Rezeption und Widerspruch (451–518)* (Freiburg/Basel/Vienna); V.

- Menze (2008) *Justinian and the Making of the Syrian Orthodox Church* (Oxford); F. Millar (2006) *A Greek Roman Empire: Power and Belief under Theodosius II (408–450)* (Berkeley/Los Angeles); P. Norton (2007) *Episcopal Elections 250–600: Hierarchy and Popular Will in Late Antiquity* (Oxford); C. Rapp (2005) *Holy Bishops in Late Antiquity: The Nature of Christian Leadership in an Age of Transition* (Berkeley/Los Angeles).
- 2 Emperor Marcian informed Leo about the decisions of the Council on 18 December 451 (E. Schwartz, ACO II, 1.2. 55–6; ACO II, 4.167–8). He urged Leo once again to accept and confirm these decisions on 15 February 453. The Pope finally answered on 21 March 453, with his *Ep.* 114.
 - 3 ACO II, 1.2.277.
 - 4 ACO II, 2.3: 21–2. See H. C. Brennecke (2007) ‘Chalkedonense und Henotikon. Bemerkungen zum Prozess der östlichen Rezeption der christologischen Formel von Chalkedon’, in H. C. Brennecke (ed.), *Ecclesia est in re publica. Studien zur Kirchen- und Theologiegeschichte im Kontext des Imperium Romanum* (Berlin): 259–90, at 262f. On Marcian, see J. R. Martindale (1980) *The Prosopography of the Later Roman Empire (PLRE)*, vol. 2: AD 395–527 (Cambridge) 714f. R. W. Burgess (1993–4) ‘The Accession of Marcian in the Light of Chalcedonian Apologetic and Monophysite Polemic’, *Byzantinische Zeitschrift* 86–7: 47–68.
 - 5 Evagrius Scholasticus, *Historia Ecclesiastica* 2.5.
 - 6 Zacharias Rhetor, *Historia Ecclesiastica* 3.1 (ed. Brooks, CSCO III. 5: 105). See also W. H. C. Frend (2008) *The Rise of the Monophysite Movement* (Cambridge): 143.
 - 7 ACO II, 1.2: 140, 155. On Pulcheria, see *PLRE* 2: 929–30.
 - 8 Frend (2008): 143–4.
 - 9 *Ibid.*: 144.
 - 10 See D. M. Gwynn (2011) ‘The Council of Chalcedon and the Definition of Christian Tradition’, in Price and Whitby (2011): 7–26; Th. Graumann (2011) ‘Reading the First Council of Ephesus (431)’, in Price and Whitby (2011): 27–44. On Cyril of Alexandria, see for example J. A. McGuckin (1994) *St Cyril of Alexandria: The Christological Controversy, its History, Theology and Texts*. *Vigiliae Christianae Supplement* 23 (Leiden).
 - 11 The term ‘miaphysites’ is less pejorative – it refers to those who do not *insist on*, but those who *assert* ‘one nature’ in Christ. See S. Brock (1996), ‘The Christology of the Church of the East’, in *Tradition and Heritage of the Christian East: Proceedings of the International Conference* (Moscow): 163–4. See also R. Price (2009) *The Acts of the Council of Constantinople of 553. With Related Texts on the Three Chapters Controversy. Translated with an Introduction and Notes*, *Translated Texts for Historians* 51, vol. 1 (Liverpool), 1. See Millar (2006): 168–91; and also F. Millar (2009) ‘Imperial Government and the Maintenance of Orthodoxy: Justin I and Irregularities at Cyrrhus in 520’, *Scripta Classica Israelica* 28: 117–137, at 118–19.
 - 12 Menze (2008): 15; Price (2009): 2.
 - 13 For the text, see Zacharius Rhetor, *Historia Ecclesiastica* 5.8; Evagrius Scholasticus, *Historia Ecclesiastica* 3.14; and in Latin Liberatus, *Brev.* 18.113–17. See also Brennecke (2007): 279ff.

- 14 Frend (2008): 179.
- 15 Zacharias Rhetor, *Historia Ecclesiastica* 5.7; and 6.2. See also Evagrius Scholasticus, *Historia Ecclesiastica* 3.14ff.
- 16 Brennecke (2007): 269, 275.
- 17 *Collectio Veronensis* 4, which is a letter written by Acacius to Simplicius. See Frend (2008): 181–2. It has to be said that, at times, the bishops of Alexandria have not been the most fortunate in their nicknames, *Salophakiolos* meaning ‘Wobble Cap’.
- 18 *Collectio Avellana* 70.5. The standard edition of the *Collectio Avellana* is that of O. Guenther (1895–8) *Epistulae Imperatorum Pontificum Aliorum inde ab A. CCCLXVII usque ad A. DLIII datae Avellana quae dicitur Collectio*. Corpus Scriptorum Ecclesiasticorum Latinorum, 35.1–2 (Vienna). For this letter, see Guenther, *CSEL* 35.1, p. 157.
- 19 *Collectio Avellana* 62; 64, ‘cui nec in diaconatu suus potuit ordo constare’; 65–67; and 68.3–4.
- 20 *Collectio Veronensis* 5, *PS*: 6–7 – Felix letter to Acacius; and Felix, *Ep.* 8. Edited by A. Thiel (1868) *Epistolae Romanorum pontificum genuinae*, vol. 1 (Braunsberg), p. 248 = *PS*, p. 81, lines 24ff.
- 21 Frend (2008): 177–83; Menze (2008): 15–16; Price (2009): 2–6.
- 22 Probably the best overview of Justin’s reign, and that of his successor Justinian, is still offered by A. H. M. Jones (1964) *The Later Roman Empire. A Social, Economic, and Administrative Survey*, vol. 1 (Oxford): 266–302.
- 23 For a most valuable description, see J. Moorhead (1978) ‘The Laurentian Schism: East and West in the Roman Church’, *Church History* 47: 125–36. For an overview of the period of the final years of Anastasius’ reign, and the orthodox, Chalcedonian reaction, see Frend (2008): 221–33.
- 24 *Collectio Avellana* 105–243.
- 25 Evagrius, *Historia Ecclesiastica* 3.30. Translated by M. Whitby (2000) *The Ecclesiastical History of Evagrius Scholasticus*. Translated Texts for Historians 33 (Liverpool).
- 26 Menze (2008): 17–18.
- 27 A. A. Vasiliev (1950) *Justin the First: An Introduction to the Epoch of Justinian the Great* (Cambridge, MA): 135; Jones (1964): 1.268; G. Greatrex (2007) ‘The Early Years of Justin I’s Reign in the Sources’, *Electrum* 12: 99–113; Menze (2008): 18f.; Price (2009): 7. On Justin’s early career, see Procopius, *Historia Arcana* 6.1–16; on his election, see Constantine Porphyrogenetus, *De ceremoniis aulae Byzantinae* 1.93; John Malalas, *Chronographia* 17.2; Marcellinus comes, *Chronicon* 519.
- 28 *Collectio Avellana* 147 – a letter written by Justinian to Pope Hormisdas, 7 September 518; *Collectio Avellana* 149 – a letter of Pope Hormisdas to Emperor Justin himself, late January 519; *Collectio Avellana* 183 – a letter written by Patriarch John of Constantinople to Pope Hormisdas, 19 January 520. See Menze (2008): 18–19.
- 29 B. Croke (2001) *Count Marcellinus and his Chronicle* (Oxford): 17ff. Menze (2008): 19–20.
- 30 Croke (2001): 100; Menze (2008): 20–2.
- 31 A. Cameron (1976) *Circus Factions. Blues and Greens at Rome and Byzantium* (Oxford):

264. This remains the essential work on the role of circus factions. Particularly chapter 9, on the growth of ceremonial in the circus, is highly relevant in view of Justin's election. See also P. Sarris (2011) *Empires of Faith. The Fall of Rome to the Rise of Islam, 500–700* (Oxford): 135–6. Menze (2008): 23–5.

32 Sarris (2011): 135.

33 Jones (1964): 1.268.

34 Marcellinus comes, *Chronicon* 514; John of Antioch, *fr.* 214.1–17; see *PLRE* 2: 1171–6; see also P. Heather (1998) *The Goths* (Oxford): 252; and Frend (2008): 221.

35 Menze (2008): 31.

36 *Collectio Avellana* 141.2: '... quod primum quidem inseparabilis trinitatis fauore, deinde amplissimorum procerum sacri nostri palatii et sanctissimi senatus nec non electione fortissimi exercitus ad imperium nos licet nolentes ac recusantes electos fuisse atque firmatos'.

37 For the text, see *Collectio Avellana* 116b. See also documents 143, 146 and 147 of the *Collectio Avellana* for some of the steps taken prior to the *libellus*.

38 *Collectio Avellana* 167 is the report (*suggestio*) of the deacon Dioscorus to Pope Hormisdas, through his sub-deacon Pullio. See also Frend (2008): 236.

39 On the importance of the diptychs, see Menze (2008): 76–86; this also includes an extensive bibliography on the subject.

40 It is remarkable to see how Justin in his letter to Hormisdas, in which he agrees to the *libellus*, does not at all mention the inclusion of Zeno and Anastasius: *Collectio Avellana* 160.

41 *Collectio Avellana* 186.1: 'tantas enim pecunias secum detulerunt, ut non homines sed possint angelos excaecare'.

42 *Collectio Avellana* 186, and 225. See also Menze (2008): 32–3.

43 Menze (2008): 68.

44 *Collectio Avellana* 116b.1: 'Et quia non potest domini nostri Iesu Christi praetermitti sententia dicentis: tu es Petrus et super hanc petram aedificabo ecclesiam mean, ...' See Matthew 16.18.

45 Menze (2008): 72.

46 *Collectio Avellana* 144.

47 *Collectio Avellana* 116; and 116a.

48 See Menze (2008): 75.

49 *Collectio Avellana* 116b.

50 Frend (2008): 238.

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Preaching and Mesmerizing: The Resolution of Religious Conflicts in Late Antiquity¹

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A number of important changes at the core of our society and within contemporary scholarship² are two factors which may account for the recent beneficial impact upon the modern bibliography of Late Antique studies. A multidisciplinary approach to Late Antiquity has recently emerged including the study of rhetoric – not long ago considered an intruder in the context of Patristic studies³ – which has since become one of its methodological pillars. Within this field, studies on the sociocultural impact of rhetorical delivery (*actio/hypókrisis*⁴) during that period have multiplied, as scholars survey the extent to which Christian authors considered rhetorical delivery to be a key factor in the context of self-presentation and the establishment of hierarchical relationships.⁵ Pivotal to this reinvigoration of rhetoric in Late Antiquity was the stress on *actio*, which was considered a powerful means of identification.⁶

The implication of *actio* however would always transcend the mere performance of a speech. Interpreted in a broader sense within a Christian context, *actio* took the shape of martyrdom, asceticism or the submission of the body to extreme sacrifice, and was central to the antagonism between the human inability to express God's words and the need to preach, as the emperor Constantine reveals in the proemium of his *Speech to the Assembly of the Saints*: 'For if any one, whether in the practice of eloquence, or any other art, expects to produce a finished work without the help of God, both the author and his efforts will be found alike imperfect.'⁷

The transcendence of physical appearance and the semiotics of body gestures in the realm of rhetoric bears testament to an era in which significant emphasis was placed on individuality, a time in which 'the individual person emerged as the primary lens of human vision.'⁸ Indeed, the ability to connect the appropriate voice, gait, gestures and postures with Christian attitudes serves to reinforce this idea.⁹ A deficient delivery, an over-flamboyant gesture or a high-pitched voice could not only ruin someone's reputation but also stigmatize him as an actor or a sophist. Irenaeus of Lyon, for instance, had already castigated Cain and heretics as being deceitful, greedy and ostentatious sophists.¹⁰ Hence for public figures, a tainted ethos had to be avoided at all costs.¹¹

In light of Averil Cameron's concept of Christian rhetoric,¹² within this discussion I will analyse a series of rhetorical performances from several early Christian texts, examining the extent to which rhetorical delivery as a discriminatory component helped influence the construction of religious and cultural orthodoxy in Late Antiquity. I will further discuss how it

became a means to stigmatize heretics and pagans as charlatans and sophists in a period when religious alliances and identities were often fought in the rhetorical arena. Passages pertaining to Paul of Tarsus's custom of preaching will also be discussed as a prologue and framework to a more detailed study of texts by Eusebius of Caesarea, Gregory of Nazianzus, John Chrysostom, Jerome and Ambrose of Milan, focusing on the idea that religious doctrines pervaded the concept of self-presentation in the literary and rhetorical milieu.

The historical background. The 'how' matters: Paul of Tarsus

Through the use of an all-inclusive historical contextualization, the aforementioned renovation of Late Antique scholarship has helped broaden the scope of its study. Recent works, for example, have urged scholars not to overlook the sociocultural atmosphere in which early Christianity developed. As has been argued, the cultural milieu of the Roman Empire in the first centuries of the Christian era was involved in the development of the incipient religion.¹³ In this context, modern works on Paul of Tarsus's preaching activity have emphasized the performative and (almost) sophistic dimension of his mission. In fact, if we accept Kent Stowers's views on Paul's preaching we may conclude with him that 'the widespread picture of Paul the public orator, sophist or street-corner preacher is a false one'.¹⁴ Nevertheless, an explanatory appendix is needed to nuance Stowers's convincing arguments against E. A. Judge, who maintains that 'St. Paul may be called a sophist without prejudice to the value or sincerity of his thought.'¹⁵ Classical sources on Paul's activity, analysed through modern scholarship, may suggest that Paul's preaching somehow resembled the public performances of the sophists and Cynic philosophers of his time. Although in a strict sense he was a touring lecturer and an itinerant speaker, a public performer of rhetoric who taught at private houses (a characteristic activity of sophists and philosophers) and someone who lived in a period which saw the upsurge of the Second Sophistic movement,¹⁶ the works of Winter and Stowers clearly state that Paul did not set out to model himself on such public figures. New Testament texts convey an image of Paul forging an anti-sophistical ethos with the intention of distancing himself from those figures.¹⁷ Paul confesses that he does not peddle the word of God (2 Cor. 2.17) – an accusation frequently brought against sophists –, and that he is in fact a layman in speech whose words are not eloquent or flattering at all (2 Cor. 11.6; 1 Cor. 2.1; 1 Th. 2.5). He is a man, moreover, who lacks the ability or the dazzling physical presence to perform a proper *actio* (2 Cor. 10.10). Yet it was precisely this awareness of his own inability to meet the public-speaking standards of the time that served as the basis for his attempts to detach his image from that of other public speakers.¹⁸

Pauline texts also contain a number of terms which reflect the extent to which words relating to physical appearance, gestures, rhetoric and religious beliefs had become intertwined. ὀρθοποδέω, for instance, appears in Gal. 2.14 in the sense of 'walking straight', and is a verb with evident physiological connotations, the meaning of which was appropriated to a doctrinal context ('not proceeding on the right road to the truth of the Gospel').¹⁹ The historical context of Gal. 2.14 (Paul rebuking Peter at Antioch) would be re-enacted by Basil of Caesarea in

relation to a controversial episode with Eustathius of Sabaste. Basil argued that Eustathius was not walking in an upright manner (ὀρθοποδέω) since he was a fickle character whose unpredictability made him profess different creeds and Christian practices.²⁰ Since Eustathius's strange costume and physical appearance had previously been condemned at the Synod of Gangra, Basil's accusation regarding his crooked posture may have perhaps been a subtle insinuation on the state of unorthodox self-presentation itself and Eustathius's own approach to preaching.²¹

The fourth-century AD and the making of orthodoxy

As religious and Christological orthodoxy came to fruition in the fourth century AD, Christianity's transition into a legitimate religion and an inextricable part of imperial power was complete. Yet concern over the homogenization of gestures, movements and stances present in rhetorical performance and within preaching activity still raged among Christian cultural elites. Indeed Pagans, heretics and religious enemies were often portrayed as garrulous sophists, a far cry from those bishops and priests following the orthodoxy who were described in more genial terms as performing canonical and efficient rhetorical deliveries which helped their communities. Hence, *actio* became one of the touchstones in the making of religious orthodoxy. Eusebius of Caesarea's characterization of Paul of Samosata's figure (*HE* 7.30) is built upon theological controversies and denigratory rhetoric. Eusebius relays a letter addressed to Dionysius – Bishop of Rome – and Maximus – Bishop of Alexandria – which contains the decisions of the synod that deposed Paul as Bishop of Antioch.²² Leaving aside Paul's Christology and the nationalistic aspirations behind his persona,²³ this document reveals how a sophistic duel was played out in the theological arena, since Malchion, a rhetorician and presbyter of Antioch, challenged Paul – who, as someone who played a role in public life, had been well trained in rhetoric²⁴ – to a public debate, accusing him of introducing the heretical doctrines of Artemon (Jer., *De Vir. Ill.*, 71: *Antiochenae Ecclesiae episcopus dogma Artemonis instaurarat*) and thus urging that he be deposed.

Eusebius's account of this process acknowledges how some of the arguments made against Paul allude to the catalogue of vices of a stereotypical sophist.²⁵ His proclivity for wealth and greed (*HE* 7.30.7), for instance, parallels excerpts from Lucian's sardonic dialogue *The Professor of Rhetoric* in which acquiring wealth was the driving force behind the learning of rhetoric (*Rh. Pr.* 24–5); likewise his behaviour and habits echoed those of some of the characters from Philostratus's *Life of the Sophists*, in particular Herodes Atticus (VS 544–66). According to Eusebius, Paul's σῆμα and care for public image epitomized his taste for worldly joys as he (*HE* 7.30.8–9) 'strolls in the marketplaces, reading and dictating letters as he walks in public, and attended by a body guard (. . .) He astonishes the people with the tribunal and lofty throne that he prepared for himself, not befitting a disciple of Christ (. . .) the quackery in church assemblies that devises, courting popularity and posing for appearance's sake and thus astonishing the minds of the simpler folk.'²⁶ Such a concern for earthly matters once again reminds us of the temptation that Lucian's *Professor* alludes to as reward for

becoming a sophist (*Rh. Pr.* 1, 15–17). In addition, examples of worldliness are also prevalent throughout Philostratus's *Life of the Sophists*, and episodes of Quintilian's *Institutio Oratoria* (11.8.3) in which they act as caveats against the allure of superficiality. Indeed Paul's interaction with the audience and his theatrical gestures (*HE* 7.30.9) cultivate a mere entertainer-like image, akin to those sophists who did not declaim but sang to amuse and please their audience (*Them., Or.* 23.283; 28.341; 26.330; *Dio Chry., Or.* 32.29–30; 34.10). Evidently, in the eyes of Eusebius, Paul is little more than a public persona whose heretic beliefs (according to Eusebius's orthodox judgement) did not entitle him to represent the church.²⁷

This may be contrasted with Eusebius's description of Malchion, that of a learned man who taught rhetoric (*HE* 7.29.2: λόγιος καὶ σοφιστοῦ), as opposed to Paul who, as he decries, owed his knowledge and adeptness to heretical convictions which turned him into a σοφιστὴς καὶ γόης (γόης, a word with derogatory connotations, linked to the world of magic and the concept of charlatanry: *Aesch.*, 3.137; *Pl., Smp.* 203d; *Eun., VS* 6.5.9). Such polarized descriptions, therefore, help establish the boundaries for differentiating rhetoric – a useful tool to negotiate within the cultural elite – from sophistry and its immoral set of practices. In doing so, the customs and habits of a sophist became associated with the guise of the heretic (in this case, Paul of Samosata's monarchianism) as the embodiment of wickedness.²⁸

In a not too dissimilar way, Gregory of Nazianzus took recourse to the stereotypical figure of the sophist in censuring religious enemies both within and outside the church. His works exemplify the ambiguity inherent in the term 'sophist' in Late Antiquity since, as B. Puech has pointed out, 'it could have different nuances and connotations depending on its context'.²⁹ As either a mere label or as a name harbouring derogatory connotations,³⁰ the word 'sophist' pervades Gregory's works, yet when it is applied to the emperor Julian it carries an evidently depreciative nuance which seems to fit the high disregard in which Gregory happened to hold the emperor. As part of his invectives against Julian (*Or.* 4–5) Gregory uses the term 'sophist' to denigrate Julian's entourage (for instance, Maximus of Ephesus, *Or.* 4.55) and duly criticize the emperor's ideology (*Or.* 4. 27, 112; 5.30³¹). In a similar fashion, Gregory (*Or* 7. 11–13) narrates a forensic *agon* in which his brother, Caesarius, defended his Christian faith by opposing Julian's sophistries.

Furthermore, examples from the pagan mythological legacy appear to help fuel Gregory's damning critique of Julian (*Or.* 4.62, 82), who is compared to Proteus, the Egyptian sophist (see Plato's *Euthydemus* 288b), a clear allusion to Julian's ability to deceive.³² Consequently, Gregory's use of the term 'sophist' had a polemical purpose, namely the 'demolizione del charisma giuliano'.³³

Gregory was also forthright in his attacks on those priests and bishops who took too great a care over the performative dimension of their preaching. With loquacity the object of his scorn, the theologian sought to condemn his peers for succumbing to the dazzling and overly ornate style of fourth-century AD sophistry. In *Or.* 2, for instance, in which he discusses his defence of his flight to Pontus and offers an apology over his conception of priesthood, Gregory saves several passages (especially 42–7) arguing for the importance of restraining oneself from stirring an untrained tongue (*Or.* 2.47: γλῶσσάν κινεῖν ἀπαίδευτον). Similarly, in his discourse

against the Eunomians (Or. 27), Gregory censures their tendency to elaborate speeches as well as their *horror silentii*. Likewise in Or. 42, composed on his resignation as president of the council of Constantinople in 381 after finding himself unable to 'please the majority' (Or. 42.24), Gregory urged his fellow bishops to realize that, sadly, churchgoers were demanding 'orators, not priests' (Or. 42.24).³⁴

As touched upon earlier, this level of criticism reveals 'a tension at the heart of Gregory's own career and self-understanding'³⁵ and an anxiety over combining religious instruction with entertainment. Clearly, Gregory's conception of rhetoric (one should not forget that at one point he was a professional rhetor³⁶) was one which longed for the transformation of the *vir bonus dicendi peritus* into the *vir sanctus dicendi peritus*. Church affairs, however, seemed to dictate otherwise.

It was Basil of Caesarea who, in Gregory's eyes, embodied this new model of Christian orator, the *vir sanctus dicendi peritus*.³⁷ Indeed his fondness for the bishop was never more evident than in the oration he gave at the funeral of Basil, an oration which bears witness to his quest to nurture the perfect priest, someone who could express intellectual and religious truth without histrionic gestures (Or. 43.65), and with a sincere outward appearance that mirrored his inner beauty. In advocating such a figure Gregory was, in S. Elm's words, 'propagating a new personality (. . .), a model bishop for the Theodosian age'.³⁸

In much the same way, rhetoric, religious orthodoxy and *actio* are all also closely related in John Chrysostom's homilies *apropos* the Riot of the Statues in Antioch. In February 387 the emperor Theodosius levied an extraordinary tax on the city which spurred the Antiochenes to protest and demonstrate. Animosity gave way to violence and before long imperial statues and portraits were stoned, denigrated and torn down, followed by arrests and executions, and the population of the city fled in panic.³⁹ Amidst this pandemonium, Chrysostom would compose his *Homilies on the Statues*, of which *Homily 21* merits particular attention, owing to Chrysostom's account of the intervention of the Bishop Flavian, who undertook a long and painstaking journey to Constantinople to ask for forgiveness before Theodosius.⁴⁰ After such an arduous trip, Flavian 'as soon as he came to that great city, and had entered the royal palace [. . .] stood before the emperor at a distance, – speechless, – weeping, – with downcast eyes, – covering his face as if he himself had been the doer of all the mischief; and this he did, wishing first to incline him to mercy by his posture, and aspect, and tears; and then to begin an apology on our behalf; since there is but one hope of pardon for those who have offended, which is to be silent, and to utter nothing in defense of what has been done'.⁴¹

Far from being a spontaneous rhetorical delivery, this was in fact a stage-managed *actio*, one which offers an important insight into the political and social dimension of rhetorical delivery. First, the stage – the royal palace at Constantinople – became the perfect platform from which Chrysostom could emphasize the supremacy of the heavenly presence as depicted by Bishop Flavian over earthly matters.⁴² Added to this, Flavian is rendered speechless (ἄφωνος) yet this does not necessarily mean that he was in a weak position in asking for forgiveness since silence had become a semiotic element and a rhetorical device within Christian literature. Hence, the speechlessness of Flavian does not hint at a humiliating gesture on his part but was rather a proper sign of the authority of the bishop and advocacy of his

supremacy over the earthly ruler.⁴³ Incidentally, the influence of Ignatius of Antioch's conception of silence is evident here since his bishopric became the catalyst for Chrysostom's concept of the leadership of bishops (PG 50, 589).⁴⁴ In fact, as Claudia Rapp has pointed out concerning bishops' relationship with emperors, 'their appearance and comportment declared their ascetic authority, which, in turn, held the promise of their spiritual abilities of *parrhesia* with God'.⁴⁵ Hence, Flavian's *σχῆμα* became a persuasive means by which to impose his authority.⁴⁶ Furthermore, Chrysostom represents the bishop weeping and feeling ashamed of Antioch, which, it seems, is yet another deliberate ploy to try to sway the emperor into overcoming any initial prejudices. Since the nature of the case made it extremely difficult to defend, Flavian used tears and shameful gestures as an *admirabile exordium*.⁴⁷

Nevertheless, in *Homily 17* on the Riot of the Statues, Chrysostom reports an encounter between the emperor's emissaries in charge of the investigation of the riotous events (Hellebichus, *magister militum*, and Caesarius, *magister officiorum*) and an anonymous monk from the mountains surrounding Antioch.⁴⁸ The monk declares that 'the Statues which have been thrown down are again set up and have resumed their proper appearance; and the mischief was speedily rectified; but if you put to death the image of God, how will you be again able to revoke the deed!'⁴⁹ Fortunately, in his *History of the Monks of Syria*, Theodoret of Cyrus provides us with a more complete account of the identity of this man, Macedonius (*HRel* 13). As far as the accounts of the event can be trusted, Flavian's and Macedonius's *actio* appears to have been very different. While the bishop's rhetorical delivery was consciously planned, Macedonius's unadorned speech in Syriac needed to be translated. This reflects how different monks were from religious authorities when it came to self-presentation and rhetorical delivery. As Peter Brown has pointed out, 'while the urban clergy were forced to design themselves, to kiss the knees and clasp the feet of the imperial commissioners, in order to secure the release of only a few persons, Macedonius, as a holy man who owed nothing to Antioch, was able to speak for the city as a whole. He confronted the commissioners with a brusque courage so alien that it seemed to carry with it the awesome force of the Holy Spirit'.⁵⁰

Theodoret's text differs from Chrysostom's in that it reveals the name of the monk and underlines the simple (though effective) rhetorical delivery of Macedonius. Yet at the core of this contrast, which left Macedonius as an unnamed monk in Chrysostom's account, was Macedonius's unsolicited ordination as a priest by Flavian. According to Theodoret (*HRel* 13.4) the monk was ignorant of the rite performed in front of him, one which bestowed upon him the honour of priesthood and, soon after realizing what had happened, he tried to chase Flavian to beat him with his cane.⁵¹

Evidently Chrysostom endeavoured to portray Flavian as Antioch's saviour as part of his propagandist agenda in the context of the Meletian Schism, a process which went back to the time of the council of Nicaea and lasted until the first decade of the fifth century.⁵² When Meletius died in 381, Flavian was appointed bishop ahead of Paulinus, the candidate of the Eustathians (one of the schismatic groups), who in 387 were still claiming Antioch's bishopric for Paulinus. It was in this volatile setting that Flavian intervened on behalf of the city, defending the Meletian section of the Nicene Creed as part of Chrysostom's plan to cement

Flavian's authority as the legitimate bishop of Antioch. To this end, Meletius and Flavian are linked in Chrysostom's homilies with the authoritative figure of Moses (PG 49.44). Chrysostom's account of Flavian's eloquence avoids his assimilation into the mould of the stereotypical sophist since he carved an image of a classical orator who defends his city, drawing upon his persuasive abilities (PG 49.207; 214) and, as suggested by Aristotle (*Rh.* 1385b 13–16; 1386a 4–9), is a man who inspires pity, speaking with *parrhesia*.⁵³

In the western part of the empire, authors such as Jerome, Ambrose or Augustine dealt with the transformation of the performative elements of rhetorical deliveries and the preaching of clergymen in order to adapt them to the Christian ideology. Jerome's letter 22 to Eustochius, for example, is part of an epistolary tradition that touched upon topics such as virginity, self-presentation and the behaviour of widows. In essence, it helped illustrate the tense atmosphere of sensuality and asceticism which permeated fourth century AD Rome.⁵⁴ In warning Eustochius against man's passion for vainglory, Jerome denounces those who (*Ep.* 22.28) 'loaded with chains and wearing their hair long like women, contrary to the apostle's precept, not to speak of beards like those of goats, black cloaks, and bare feet braving the cold'.⁵⁵ In his opinion, their obsessive preoccupation over their external appearance could be defined as tricks of the devil (*Ep.* 22.28: *haec omnia argumenta sunt diaboli*). This demeanour was more censurable when 'men of my own order' showed an excessive love for clothing and externals. 'Such men', Jerome complains (*Ep.* 22.28), 'think of nothing but their dress; they use perfumes freely, and see that there are no creases in their leather shoes. Their curling hair shows traces of the tongs; their fingers glisten with rings; they walk on tiptoe across a damp road, not to splash their feet. When you see men acting in this way, think of them rather as bridegrooms than as clergymen'. Other sources also confirm that Rome was fast becoming a real hotbed for displays of vanity. Ammianus Marcellinus, for example, censured (14.6.8) Rome's adoration of singers, actors and teachers of stage-craft ahead of more righteous figures such as philosophers or orators. Such inclination to ostentation (in Ammianus's opinion 27.3.14: *ostentationem rerum considerans urbanarum*) was precisely what Jerome wished to extirpate from the public deportment of Christian figures, as this superfluity might poison the ethos of those engaged in preaching.

Awareness of the importance of standardizing the characteristics of rhetorical delivery also occupied an important place in the works of Ambrose of Milan, yet assessment of his work must not be confined to the mere accommodation of Stoic concepts in the Christian belief system; on the contrary, his acute perception of the importance of the physical dimension of preaching and delivering homilies should also be recognized.⁵⁶ Aside from dealing with theological matters, Ambrose's *De Officiis* is a programmatic work which seeks to establish a protocol for his *Dei milites* (i.e. those who professed the Nicene Creed) who were confronting heretical groups (especially with Arians) in Milan. Described as 'all style and tactics', and as a 'master of the ceremonial style',⁵⁷ Ambrose knew that the sociocultural implications of public performance and self-presentation were firmly embedded in religious affairs, and thus set a Christian political agenda which involved the mastery of rhetorical and performative techniques. Rhetorical delivery and performance became the arena in which concepts such as *verecundia*, *temperantia* and *modestia* became entangled in Ambrose's construction of the ideal clergyman, a figure who would combine a new conception of manliness and holiness.

In this way Ambrose recovered Stoic and Ciceronian concepts and adapted them for his own purposes. In *De Off.* 1.71, for instance, he declares that ‘modesty ought to be maintained in all our physical movement as well, in the way we carry ourselves, and in the way we walk. It is from the attitude of the body that the condition of the spirit is gauged (. . .) The movement of the body thus acts as a kind of voice for the soul (*Itaque vox quaedam est animi corporis motus*)’.⁵⁸ Thus, one’s improper gait provided another branch of discrimination which Ambrose would use to debar a man from entering the clergy. He reveals how an arrogant way of walking stopped one man from being accepted into the local clergy, while another was not admitted because of the unseemly way in which he carried himself. Nevertheless, Ambrose is proud to declare (I.72–3) that he was right in his judgement since both men eventually deserted and betrayed their faith. Furthermore, he did not approve either of people who walked too slowly or too hurriedly. In his opinion, the type of gait that exudes the correct impression is one that allows ‘the movement to be natural and simple’ (I.75: *motus sit purus ac simplex*). Hence within those texts, actors, heretics and traitors are characterized by a set of improper physical movements (I.73: *histrionicos gestus*) and an inappropriate gait (I.72: *insolentis incessus*).

Added to this, Ambrose’s ‘strict code of discipline’⁵⁹ also included recommendations on the tone of the voice, which, in his eyes, had to be manly and avoid theatricality and be free from the effeminate tarnishing of sophists and actors. Yet in his long treatment in *De Officiis*’ proemium, the importance of silence (I.1–22) is contextualized within the realm of rhetoric. Although his treatment tends to revolve around wisdom and prudence (I.5–8), his statement that there was a ‘*tempus tacendi et tempus loquendi*’⁶⁰ (I.9) seems to acknowledge what Gregory of Nazianzus also censured: namely that same virtuoso rhetoric which some priests and bishops exhibited as though they were competing in a rhetorical *agon*.

Ambrose was not alone in criticizing the preponderance of garrulousness and immoderate gesticulation over moderation in preaching. Strong disapproval of sophistry and theatricality became a recurrent leitmotif throughout Christian literature. In fact Augustine devoted some lines of his *De Doctrina Christiana* towards admonishing the overuse of rhythmical clauses (4.XX.41). The fourth book of DDC discusses interaction with the audience (4.XXIV.53), and advice about acceptable voice modulation (4.VII.13–21). The final objective of a preacher, as Augustine confessed, was to instruct, to please and to persuade (4.XII.27: *ut doceat, ut delectet, ut flectat*).⁶¹

To conclude, Eusebius of Caesarea’s portrait of Paul of Samosata as a sophist, John Chrysostom’s insistence on emphasizing Bishop Flavian’s canonical *actio* before the emperor Theodosius, and the concern of Christian authors of the Latin west over regulating the gestures, voice and clothing involved in their preaching must be studied as efforts to integrate the performative facet of Late Antique rhetoric into religious orthodoxy. If approached from a broader perspective, the above-mentioned transition from the *vir bonus dicendi peritus* to a *vir sanctus dicendi peritus* did not take place in Russell’s *Sophistopolis*⁶² but rather in a sort of *Episcopopolis* in which the bishop was a multifaceted figure who was at the heart of the creation and resolution of conflicts. The complex process of creating religious orthodoxy entailed seeking approval for the ways homilies and speeches were delivered, and equated heretics and pagans with public figures such as actors or sophists in order to prevent the

Christian elites from crossing the thin boundary that existed between preaching and acting, between instructing and entertaining.

Notes

- 1 My gratitude goes to Mr Mark Hunter for his invaluable help.
- 2 Av. Cameron (2002) 'The Long Late Antiquity: A Late Twentieth-century Model', in T. P. Wiseman (ed.), *Classics in Progress: Essays on Ancient Greece and Rome* (Oxford: Oxford University Press): 180–1.
- 3 L. Pernot (2002) 'Christianisme et Sophistique', *Papers on Rhetoric* 4: 253.
- 4 Classical sources on rhetorical delivery: Quint., *Inst. Or.* XI.3; Arist., *Rh.* 3.1; *Rhet. Ad Her.* III.xi 20–xiv 25; Aristox., *Harm.* 1.3, 9–10; Cic., *De Or.* 3.83, 220.
- 5 Av. Cameron (1991) *Christianity and the Rhetoric of Empire: The Development of Christian Discourse* (Berkeley–London: University of California Press): 122.
- 6 S. Ashbrook (1998) 'The Stylite's Liturgy', *JECS* 6:3, 525–6. See also P. Brown (1992) *Power and Persuasion in Late Antiquity: Towards a Christian Empire* (Madison: University of Wisconsin Press): 56.
- 7 Translation taken from P. Schaff's work in <http://m.ccel.org/mt/mobile/ccel/schaff/npnf201.iv.vii.ii.html>.
- 8 R. Kirschner (1984) 'The Vocation of Holinees in Late Antiquity', *VG* 38, 105.
- 9 J. Bremmer (1993) 'Walking, Standing and Sitting in Ancient Greek Culture', in J. Bremmer and H. Roodenburg (eds), *A Cultural History of Gesture: From Antiquity to the Present Day* (Cambridge: Polity Press): 20: 'In fact, in late antiquity an orderly (kosmion), quiet (hemeron, hesychon) and leisurely (scholaion) but not sluggish gait is the cultural idea of pagans and Christians alike'. Similarly T. Penner and C. V. Stichele (2009) 'Rhetorical Practice and Performance in Early Christianity', in E. Gunderson (ed.), *The Cambridge Companion to Ancient Rhetoric* (Cambridge: Cambridge University Press): 253–60.
- 10 E. Osborn (2001) *Irenaeus of Lyon* (Cambridge: Cambridge University Press): 155–6.
- 11 B. Leyerle (1960) *Theatrical Shows and Ascetic Lives: John Chrysostom's Attacks on Spiritual Marriage* (Berkeley–London: University of California Press): 5–8.
- 12 Av. Cameron (1991) *Christianity and the Rhetoric of Empire: The Development of Christian Discourse* (Berkeley–London: University of California Press): 20: 'What we might call the "rhetoric" of early Christianity is not . . . rhetoric in the technical sense; rather, the word is used in its wider sense, denoting the manner and circumstances that promote persuasion'.
- 13 V. H. T. Nguyen (2008) *Christian Identity in Corinth: A Comparative Study of 2 Corinthians, Epictetus and Valerius Maximus* (Tübingen: Mohr Siebeck): 125–35; T. Penner (2004) 'Civilizing Discourse: Acts, Declamation, and the Rhetoric of the *Polis*', in T. Penner and C. V. Stichele (eds), *Contextualizing Acts. Lukan Narrative and Greco-*

Roman Discourse (Leiden–Boston: Brill): 1, 65–104, especially 68–70.

- 14 S. Kent Stowers (1984) ‘Social Status, Public Speaking and Private Teaching: The Circumstances of Paul’s Preaching’, *NT* 26:1, 81.
- 15 A. E. Judge (1960–1) ‘The Early Christians as a Scholastic Community: Part II’, *Journal of Religious History* 1, 125.
- 16 B. Winter (2002), *Philo and Paul among the Sophists: Alexandrian and Corinthian Responses to a Julio-Claudian Movement* (Grand Rapids: W.B. Eerdmans): 141–239.
- 17 B. Winter (2002), *Philo and Paul among the Sophists: Alexandrian and Corinthian Responses to a Julio-Claudian Movement* (Grand Rapids: W.B. Eerdmans): 143–4, talks about Paul’s ‘renunciation of the grand style (. . .) refusal to adopt the rhetorical practices of other Christian preachers in Corinth’. See also R. Dean Anderson (1996), *Ancient Rhetorical Theory and Paul* (Kampen: Kok Pharos): 255–6.
- 18 B. Winter (2002) *Philo and Paul among the Sophists: Alexandrian and Corinthian Responses to a Julio-Claudian Movement* (Grand Rapids: W.B. Eerdmans): 221–8. Also V. H. T. Nguyen (2008) *Christian Identity in Corinth: A Comparative Study of 2 Corinthians, Epictetus and Valerius Maximus* (Tübingen: Mohr Siebeck): 125–35.
- 19 C. H. Roberts (1939) ‘A Note on Galatians II.14’, *JThs* XL:1, 55–6. A different perspective on G. Kilpatrick (1954) ‘Gal 2.14 ὀρθοποδοῦσιν’, in W. Eltester (ed.), *Neutestamentliche Studien für Rudolf Bultmann* (Berlin: A. Töpelmann): 269–74.
- 20 C. A. Frazee (1980) ‘Anatolian Asceticism in the Fourth Century: Eustathios of Sabastea and Basil of Caesarea’, *CHR* 66: 17–20; S. A. Cooper (2005) *Marius Victorinus’ Commentary on Galatians* (Oxford: Oxford University Press): 277–80.
- 21 T. George (1994) *The New American Commentary*, 30. *Galatians* (Nashville: BH Pub Group): 280–1.
- 22 F. Millar (1971) ‘Paul of Samosata, Zenobia and Aurelian: The Church, Local Culture and Political Allegiance in Third-century Syria’, *JRS* 61: 1–2. Concerning the authenticity of this letter, F. W. Norris (1984) ‘Paul of Samosata: Procurator Decunarius’, *JThS* 35:1, 54–5; J. Burke (1975) ‘Eusebius on Paul of Samosata: A New Image’, *Kleronomia* 7: 10–11.
- 23 H. Riedmatten (1952) *Les Actes du procès de Paul de Samosate: étude sur la christologie du IIIe et IVe siècle* (Fribourg: Paradosis). On this work and on Paul’s career, F. W. Norris (1984) ‘Paul of Samosata: Procurator Decunarius’, *JThS* 35:1, 50–70.
- 24 R. Teja (1996) ‘Pablo de Samosata: obispo de Antioquía y procurador imperial’, *Semanas de Estudios Romanos* 7: 305–20.
- 25 V. Burrus (1989) ‘Rhetorical Stereotypes in the Portrait of Paul of Samosata’, *VG* 43:3, 215–25.
- 26 Eusebius’s translations taken from V. Burrus (1989) ‘Rhetorical Stereotypes in the Portrait of Paul of Samosata’, *VG* 43:3, 215–25.
- 27 G. Bardy (1929) *Paul de Samosate. Étude Historique* (Louvain: Spicilegium sacrum lovaniense): 263–73.
- 28 I borrow some concepts from M^a.V. Escribano Paño (2010) ‘Heretical Texts and *maleficium* in the *Codex Theodosianus* (CTh 16.5.34)’, in R. L. Gordon and F. Marco Simón (eds), *Magical Practice in the Latin West* (Leiden–Boston: Brill): 110–14.
- 29 B. Puech (2002) *Orateurs et sophistes grecques dans les inscriptions d’époque impériale*

(Paris: Vrin): 12.

- 30 E. Bowie (1982) 'The Importance of Sophists', in J. Winkler and G. Williams (eds), *Later Greek Literature* (Cambridge: Cambridge University Press): 38; B. Schouler (1984) *La tradition hellénique chez Libanios* (Paris: Belles Lettres): 898–9. The problem is exhaustively but unsuccessfully addressed in G. R. Stanton (1973) 'Sophists and Philosophers: Problems of Classification', *AJPh* 94:4, 350–64. See also M. Heath (2004) *Menander: A Rhetor in Context* (Oxford: Oxford University Press): 289–317.
- 31 On this allusion, see L. Lugaresi (1997) *La morte di Giuliano l'Apostata* (Firenze: Nardini): 235–6.
- 32 J. A. MacGuckin (2000) *Saint Gregory of Nazianzus. An Intellectual Biography* (Crestwood: New York): 114–26.
- 33 L. Lugaresi (1993) *Contra Giuliano l'Apostata* (Firenze: Nardini): 256.
- 34 B. Mayne Kienzle, B. (2002) 'Medieval Sermons and Their Performance: Theory and Record', in C. A. Muessig (ed.), *Preacher, Sermon and Audience in the Middle Ages* (Leiden: Brill): 97: 'The concept of moral performance entails for Gregory, like Augustine, a distrust of theatre. Actors are to be watched and not imitated, while preachers must offer a model for imitation'.
- 35 B. E. Daley (2006) *Gregory of Nazianzus* (London–New York: Routledge): 152, n. 714.
- 36 On the elusive information about his career, N. McLynn (2006) 'Among the Hellenists: Gregory the Sophist', in J. Børtnes and T. Hägg (eds), *Gregory of Nazianzus: Images and Reflections* (Copenhagen: Museum Tusculanum): 220–4.
- 37 A. F. Memoli (1968) 'Eloquentia classica e sapientia cristiana nell'oratio funebris in laudem Basilii Magni di Gregorio Nazianzeno', *Orpheus* 15: 33–71. Similarly D. Westberg (2009) *Celebrating with Words. Studies in the Rhetorical Works of the Gaza School* (Upsala: unpublished PhD): 114–15.
- 38 S. Elm (2000) 'A Programmatic Life: Gregory of Nazianzus' *Orations* 42 and 43 and the Constantinopolitan Elites', *Arethusa* 33:3, 427.
- 39 F. Van der Paverd (1991) *St. John Chrysostom. The Homilies of the Statues* (Rome: Institutum Studiorum Orientalium).
- 40 For bishops acting as ambassadors W. Schoedel (1989) 'Apologetic Literature and Ambassadorial Activities', *HTR* 82:1, 55–78.
- 41 Translation taken from P. Schaff's work in <http://m.ccel.org/ccel/schaff/npnf109.i.html>.
- 42 C. Rapp (1998) 'Comparison, Paradigm and the Case of Moses in Panegyric and Hagiography', in M. Whitby (ed.), *The Propaganda of Power: The Role of Panegyric in Late Antiquity* (Leiden: Brill): 282–3.
- 43 See also V. Burrus (2000) *Beggotten, not Made: Conceiving Manhood in Late Antiquity* (Stanford: Stanford University Press): 171: 'In Ambrose's text, silence thus becomes a metonym for a larger complex of virtues joined under the virginalized image of the ideal self as an enclosed garden'. See also H. O. Maier (2004) 'The Politics of the Silent Bishop: Silence and Persuasion in Ignatius of Antioch', *JThS* 55.2, 516.
- 44 Chrys., *In Ignatium* (translation taken from www.newadvent.org/fathers/1905.htm): 'Boldly, therefore, would I say that Ignatius took an accurate impression of the whole of this, in his own soul; and was blameless and without reproach, and neither self-willed, nor

soon angry, nor given to wine, nor a striker, but gentle, not contentious, no lover of money, just, holy, temperate, holding to the faithful word which is according to the teaching, sober, sober-minded, orderly, and all the rest which Paul demanded’.

- 45 C. Rapp (2005) *Holy Bishops in Late Antiquity. The Nature of Christian Leadership in an Age of Transition* (Berkeley–London: University of California Press): 272.
- 46 Chrys., *Hom. De Statuis* XXI, 3 (PG 49, 214). However contradictory this may seem, Chrys., *De Sacerdocio*, IV 6 advises against external adornment. See Anon. Seguer. 233.4. Also Ar., *Rh.* 1378a 19ss.
- 47 Cice., *Inv.* I, 15, 20; Quint., *Inst. Or.* IV, 1, 40.
- 48 E. Soler (2001) ‘L’utilisation de l’histoire de l’Église d’Antioche au IV^e siècle par Jean Chrysostome dans les débuts de son prédication’, in B. Pouderon and Y. M. Duvali (eds), *L’historiographie de l’Église des premiers siècles* (Paris: Beauchesne): 509 clarifies why Chrysostom did not reveal the name of the monk: ‘le silence de Jean Chrysostome s’étend à tous les grands ascètes du Silpios qui se sont illustrés dans l’histoire de l’Église d’Antioche au IV^e siècle’.
- 49 Chrys., *Hom. De Statuis* XVII, 3 (PG 49. 173).
- 50 P. Brown (1992), *Power and Persuasion in Late Antiquity: Towards a Christian Empire* (Madison: University of Wisconsin Press): 106. See also C. Rapp (2000) ‘The Elite Status of Bishops in Late Antiquity in Ecclesiastical, Spiritual and Social Contexts’, *Arethusa* 33:3, 379–89.
- 51 On refusing religious ordinance, see R. Kirschener (1984) ‘The Vocation of Holiness in Late Antiquity’, *VCh* 38:2 (1984): 109–14.
- 52 H. Chadwick (2001) *The Church in Ancient Society: From Galilee to Gregory the Great* (Oxford: Oxford University Press): 415–32; C. Shepardson (2007) ‘Controlling Contested Places: John Chrysostom’s *Adversus Iudaeos* Homilies and the Spatial Politics of Religious Controversy’, *JECS* 15:4, 494–5.
- 53 C. Rapp (2000) ‘The Elite Status of Bishops in Late Antiquity in Ecclesiastical, Spiritual and Social Contexts’, *Arethusa* 33:3, 396–8.
- 54 V. Burrus (2001) ‘Queer Lives of Saints: Jerome’s Hagiography’, *Journal of the History of Sexuality* 10:3/4, 442–79; G. Castelli (1986) ‘Virginity and its Meaning for Women’s Sexuality in Early Christianity’, *Journal of Feminist Studies in Religion* 2:1, 61–88.
- 55 Jerome’s translations taken from C. Mierow (1963) *The Letters of St. Jerome* (London–Longmans).
- 56 I. Davidson (2000) ‘Stating the Church. Theology as Theater’, *JECS* 8:3, 413–51.
- 57 V. Burrus (2000) *Beggotten, not Made: Conceiving Manhood in Late Antiquity* (Stanford: Stanford University Press): 134.
- 58 Ambrose’s translations from I. Davidson (2001) *Ambrose of Milan. De Officiis* (Oxford: Oxford University Press). See also Cic., *Leg.* I.9.27; *De Off.* 1.126–32.
- 59 I. Davidson (2001) *Ambrose of Milan. De Officiis* (Oxford: Oxford University Press): 511.
- 60 *Eccl.* 3:7. See also Ambrose, *De Off.* I.35: ‘most people speak simply because they have no idea how to be silent. It is a rare thing for anyone to keep silent, even when there is no gain in speaking. A wise person, before he speaks a word, first asks himself a series of

questions. What should he say? To whom should he say it? Where, and when?’

- 61 A. Olivar (1991) *La predicación cristiana* (Barcelona: Herder): 41–4; P. Auski (1995) *Christian Plain Style. The Evolution of a Spiritual Ideal* (Montreal–London: McGill–Queen’s University Press): 110–43.
- 62 D. A. Russell (1983) *Greek Declamation* (Cambridge: Cambridge University Press): 22.

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Bishops, Imperialism and the *Barbaricum*

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‘To them I set no boundaries in time or space, I give them an empire with no end’ (Virgil, *Aeneid* 1.278–9). ‘And he said unto them, Go ye into all the world, and preach the gospel to every creature’ (Mk 16.15). These two quotations, though written by very different men with very different creeds, share a common goal that their chosen cause (in one case Roman imperialism, in the other the Christian faith) should be spread throughout the world. Moreover in both cases the recipients of these words acted upon them and retained the notion of world dominion as their *credo*.

Initially these ambitions of Roman and Christian were entirely separate of one another, though this is not to say that Christians at least were unaware of Rome’s ambitions. The apologist Tertullian writing in the early third century AD, when the emperor of the day, Septimius Severus, styled himself *expander of the empire – propagator imperii*, taunted Rome that his faith had outstripped the Roman Empire in extent speaking of ‘lands unreached by Rome but subject to Christ’ (*Adv. Iud.* 7). Tertullian’s list of lands is not without its problems as much of it is simply a close paraphrase of the list of languages spoken by the apostles in the account of Pentecost in *Acts* (*Acts* 2.1–13). It could therefore be nothing more than a pious platitude. Moreover, the remainder may be simply a literary construct to provide a mirror for the *Acts* passage in the other two quarters of the Roman World and thus devoid of any real significance.¹ Nevertheless, the claim to have outstripped Rome is a persistent feature of Christian apologetic writing, being made, for example, by Origen (*4th Homily on Ezekiel*, interpr. 1). Nor were such claims entirely vainglorious – among the delegates at the council of Nicaea in AD 325 were several bishops who came from outside the empire such as Bishop John of Persia, Aristaces of Armenia and Theophilus of ‘Scythia’.² The spread of Christianity beyond the empire’s boundaries shows that the church had taken its founder’s words seriously and had attempted to evangelize the known world.

The parallel ambitions of empire and faith were to converge dramatically with the rise to power of the emperor Constantine. Not only did Christianity move from the status of an illegal sect to that of the empire’s most favoured religion, but henceforth all bar one of Rome’s emperors were to be Christian. Nor were they to be simple adherents of the faith. From the very beginning Constantine saw himself as a special Christian: a bishop ‘common to all’, οἷα κοινὸς ἐπίσκοπος, appointed not by the ecclesiastical structures of the church but by God himself (Eusebius, VC 1.44).³ The emperor specifically saw himself as a bishop for those outside the church, οἱ ἐκτός (Eusebius, VC 4.24).⁴ While in part this refers to the pagans within the empire, there can be no doubt that Constantine also saw himself as the guardian of

Christians across the world, a protector and overseer of those who confessed the faith wherever they were to be found, and that God had granted him 'the empire of the world'.⁵ This view is reflected in the encomium addressed to the emperor at the end of Lactantius's *Institutae Divinae*: 'Most revered Emperor . . . the highest God has raised you up for the restoration of the house of justice, and for the protection of the human race' (Lactantius, *Inst.* 7.26).⁶

As Lactantius's words show, the Roman and Christian vision of world domination had come together. That Romanitas and Christendom were one is a common theme of Christian writers at this time. For Eusebius Constantine had already united most of mankind and was destined to unite the rest 'up to the very limits of the inhabited world' (Eusebius, *De Laudibus Constantini* 2.1). The emperor had become the bishop of his people and was destined to become bishop of the world: to paraphrase St Ambrose, it was believed that *ubi imperator, ibi ecclesia*.

While there is no need to impugn the piety of Constantine, as Gibbon wisely observed, the counsels of princes are more frequently influenced by views of temporal advantage than by considerations of abstract and speculative truth, and the emperor and his successors were not blind to the obvious advantages presented by the new faith to aid Roman power politics. The crudest of these advantages was that Christianity gave the empire a new *casus belli*. The new role of the emperor as 'bishop of those outside' and Christianity's universalist pretensions gave the emperor an almost standing excuse to attack non-Christian states on the empire's borders. Constantine used alleged abuse of Christians living under the rule of Rome's main political rival, Persia, to prepare for an invasion of his neighbour, sending the Persian king, Shapur II, an almost certainly deliberately intemperate letter instructing him not to mistreat Christians in his realm (Eusebius, VC 4.8–13, esp. 13).⁷ The tone of the letter also shows that the emperor also took to heart Christ's injunction to spread the Gospel. The planned invasion was aborted only by the emperor's death. As he prepared to go to war Constantine had gathered together a group of bishops to march with him and was preparing to use a church-shaped tent as his personal accommodation while on the march. The bishops we are told 'cheerfully declared their willingness to follow in his train, disclaiming any desire to leave him, and engaging to battle with, and for, him by supplication to God on his behalf' (Eusebius, VC 4.56). Constantine's bishops were therefore not so much personal spiritual advisors such as we might expect generals of later periods to possess, but rather supernatural weapons in the emperor's arsenal of conquest. Given the description of the Imperial preparations and their intellectual background, it is impossible not to see this abortive campaign as a Holy War of sorts.⁸

The result of Constantine's sabre-rattling was that Shapur did indeed launch a major persecution of Christians within his realm. He was encouraged in this by both the indigenous Zoroastrian priests and by the Jewish population (whose antipathy to Christianity is often overlooked) who accused Mar Sim'un bar Sabba'e, the *catholicos* of Seleucia and Ctesiphon, of being 'a friend of the "Caesar of the Romans" and betraying Persian secrets to Rome' (Sozomen, *HE* 2.9).⁹ Here we see the bishop as a potential leader of a fifth column. Sim'un was to pay for these suspicions with his life as did his sister and very many of his fellow

priests and co-religionists, to the number of 16,000 according to Sozomen (*HE* 2.14),¹⁰ and an enduring shadow of suspicion was cast on Persian Christians. The legend of Mar Qardagh, a Syriac text written around AD 600 at Arbela, modern Irbīl in northern Iraq, bears witness to this lingering doubt. Its hero, Qardagh, was stoned to death as an anti-Zoroastrian, but the text lays great stress on Qardagh's loyalty to Persia, despite the fact that he had converted to Christianity and was a commander of troops on Persia's borders with the Roman Empire. We are told that he had no sympathy with the enemies of his King and fought fiercely to avenge his people when they were attacked by the Romans.¹¹

The fact that a text written some 250 years after the event still feels it necessary to rebut accusations of treachery shows the depth of feeling generated. How just were such suspicions? The ecclesiastical historians who record these events are keen to present the Persian Christians, such as the elderly foster father of the king, Usthazanesas, in the same light as the author of the Legend of Mar Qardagh: completely loyal to their secular ruler and victims of sheer spite (Sozomen, *HE* 2.9).¹² This argument perhaps has a greater degree of plausibility now in a world accustomed to the separation of church and state than it had at the time of writing when the two were regarded as closely linked. Nevertheless, one could see the Persian bishops as the unwitting victims of a propaganda campaign in which they themselves played no active part.

But Shapur did have grounds to be wary of his Christian subjects and in particular their leaders. It was not only the Roman Emperor who saw himself as a universal bishop and thus commanding loyalty from Christians everywhere. This attitude was also held in the near East. The fifth-century Syriac *Doctrina Addai* takes it as granted that political loyalty to the *imperium Romanum* has both a civic and ecclesiastical dimension.¹³ The Church of Persia was at this time subordinate to that of Antioch and we know that in AD 335 a Persian bishop attended the council of Tyre and the dedication of the Anastasis basilica in Jerusalem (Eusebius, *VC* 4.43).¹⁴ In both cases senior imperial officials were present as well as churchmen, the opportunity to pass important information was certainly present and it seems unlikely that it was not taken.

More damning evidence also suggests that Shapur may have been right to be concerned about the fidelity of Christians within the Persian Empire. In his fifth *Demonstration*, entitled 'On War', Jacob/Aphrahat, abbot, and perhaps bishop, of the monastery of St Matthew near Mosul in Iraq used the apocalyptic imagery of the Book of Daniel to predict the demise of the Persian Empire at the hands of Constantine: 'Good has come to the people of God, and blessedness awaits the man through whom the good came. Evil has been aroused because of the forces collected by the evil and arrogant one who has pride in himself, and misery is reserved later for him through whom the evil has been stirred up. Nevertheless, my friend, do not complain (openly) of the evil one who has roused evil'.¹⁵ Aphrahat shows that the identification of Christianity and the Roman Empire which was commonly found in Christian writers within that empire was also accepted by at least some Christian leaders outside the empire. The good and evil in Aphrahat's *Demonstration* are the Christians and Zoroastrians respectively, as exemplified by their leaders Constantine and Shapur. It would be difficult for any Persian ruler not to see this work as a clear incitement to treason and, worse still, one that

wished to create not an open enemy, but a secret, subversive fifth column in the country.

Aphrahat shows how Christianity could be useful to Rome apart from simply providing a reason to go to war with her neighbours. There was also an opportunity for diplomatic power projection and internal subversion of a hostile state. Some Christians at least were the 'enemy within' in Persia. For the church while universal in conception, was in practice centred within the empire. For historical reasons sees outside the empire were subordinate to those inside it: Persian bishops were appointed by the See of Antioch, Armenian bishops, by the See of Caesarea. St Nerses 'the Great' of Armenia educated in Caesarea and married to a daughter of a Roman aristocrat, Aspion, shows the depth of the connection.¹⁶ The process of appointing bishops in these regions therefore led back into the empire and thus potentially to the emperor himself. This meant that the conversion of any state to Christianity gave the emperor, through his involvement in ecclesiastical politics, a degree of leverage on that nation. In this respect Rome probably saw the bishops of its neighbours in the same light as it had seen previous client rulers: a useful form of indirect rule and influence. Perhaps a useful analogy would be with the Communist Parties of Western Europe in the 1930s. These, though technically independent entities, were *de facto* agents of the Soviet Union, a situation which continued with many of them into the 1970s and beyond.¹⁷

The early fifth-century historian Orosius shows us that this view of ecclesiastical power projection was current in his own day. To save the face of his hero, the emperor Honorius, he dismissed the occupation of Gaul by the Burgundians as being of no account on the grounds that as converts to Trinitarian Christianity they had *de facto* become part of the Roman Empire: 'through the providence of the Christian God they have recently all become Catholics, received priests from us whom they obey and live peacefully, calmly, and causing no harm with the Gauls whom they look on not as their subjects, but truly as brother Christians' (Orosius, 7.32.13).¹⁸ Orosius's claim about the Burgundians' religion is almost certainly false, but its truth is irrelevant here. What is important is his belief that his readers would see a people's conversion to Christianity as entailing control by the Roman Empire.

The policy, or notion, of religious control may also have been attempted by Rome's successor states. St Patrick's activity in Ireland provides a possible example. After his captivity as a youth in Ireland, Patrick on his return to Britain was ordained Bishop of Ireland by the British Church and sent back to the island. Patrick was a turbulent priest and his relations with the British Church were stormy as we know through his own writings. It is clear that that church regarded him as their subordinate, as, no doubt, did the secular rulers of Britain (*Confessio* 23–30).¹⁹ Post-Roman Britain was plagued with raids from Ireland, but had no armed forces capable of resisting these attacks. The idea of religious control, binding Irish chieftains to the British Church and thus restraining their actions, would in these circumstances have seemed a sensible policy. Certainly attacks on fellow Christians were seen as wrong, albeit this was a view which was often honoured in the breach as St Patrick's attack on the Scottish warlord Coroticus shows (*Epistola ad Coroticum* 2). Again, if such a policy was pursued, it casts no imputations on the British Church's sincerity in its beliefs nor demonstrates that there was not a genuine wish to evangelize the Irish. But the political advantages of such evangelism would have been clear, especially as a policy model for such activity had been provided by the Roman Empire.

The conversion of Iberia (modern Georgia) in c.AD 324 shows the extent to which politics and religion had blended in Constantine's reign. The Iberians, according to Sozomen, after being impressed by the miracles performed by the holy woman Nino, 'sent ambassadors to the Emperor Constantine, bearing proposals for alliance and treaties, and requesting that priests might be sent to their nation. . . . The emperor of the Romans was delighted with the embassy, and acceded to every request that was proffered' (*HE* 2.7). As a result of the embassy, a bishop was duly dispatched to the region. It is striking that the Iberians' wish for religious personnel came as part of the request for an alliance with Rome and was directed to the emperor and not to the religious structures of the church. Our fifth-century church historian does not find this mixture of religion and politics in the least remarkable; in fact in his account tellingly it is the conversion of the Iberians which led to their request for an alliance with Rome. A further ecclesiastical historian's account, that of Theodoret, is even more explicit about Imperial involvement in the Iberians' conversion: 'The emperor Constantine, who was warmly attached to the cause of religion, when informed of the purpose of the embassy, gladly welcomed the ambassadors, and selected a bishop endowed with great faith, wisdom, and virtue, and presenting him with many gifts, sent him to the Iberians, that he might make known to them the true God' (*HE* 1.23).²⁰

Armenia also shows the close ties between Roman foreign policy and religion. The conversion of Armenia to Christianity followed shortly after Constantine's accession to the purple. The Armenian king's, Tiridates III, decision to make his country Christian in c.AD 314²¹ was deeply unpopular among a substantial section of the Armenian population,²² and probably motivated by a wish to preserve his position rather than religious sensibility.²³ Its result was to draw Armenia into the Roman sphere of influence. The country's first archbishop and king's cousin, Gregory the Illuminator, had been educated in Caesarea and it was there that he was consecrated by the bishop of that town, Leontius.

During the troubled history of Armenia in the fourth century bishops initially proved a good investment for Rome. On the death of Tiridates III, it was a letter from Gregory's successor and son, the *catholicos* Vr'tanes, and the other bishops of the country to Constantius II which forestalled a plot by the nobleman Bakur to return Armenia to the Persian sphere of influence. Constantius' swift intervention, perhaps using Constantine's doctrine of the emperor being a bishop for all Christians, placed a new philo-Roman ruler, Khosrov 'the small' on the Armenian throne (Moses Khorenats'i, *History of Armenia*, 3.4–6). In AD 338 after the demise of Khosrov under Persian and rebel pressure, Vr'tanes was again instrumental in retaining Roman influence over Armenia by taking a new claimant to Constantinople to be proclaimed as Tigranes VII and installed on his throne by Roman arms (Moses Khorenats'i, *History of Armenia*, 3.10–11).²⁴ Vr'tanes also seems to have proved a restraining influence on Trigranes, who wished to move closer towards Persia (Moses Khorenats'i, *History of Armenia*, 3.11–3.12; P'awstos Buzand, *Epic Histories*, 3.11.37). Later Nerses the Great was instrumental in preventing Persian annexation of Armenia and aided Theodosius the Great's installation of Pap as king (Moses Khorenats'i, *History of Armenia*, 3.36). No doubt such actions were self-serving as much as expressing loyalty to Rome, as the church would have suffered under Persian Zoroastrian rule. Local Christians and their bishops had as much to gain by Rome's support as Rome had from theirs. This mutually beneficial relationship could be seen as

analogous to that which secular ‘client’ rulers enjoyed with the empire in earlier periods of imperial history.

The power of bishops and the emperors’ influence over them may well have been the reason that the Saracen Queen Mavia insisted that her nominee, the hermit Moses, be appointed bishop of her people as one of the conditions of ending the war with the Roman emperor Valens (Socrates, *HE* 4.36; Theodoret, *HE* 4.20). Mavia was attempting to do two things – first, by adopting Christianity, she avoided giving Rome a religious *casus belli* against her people and second, by insisting on her choice as bishop for her people, she was attempting to avoid, or at least weaken, Roman interference in Saracen politics via religion. The very fact that Mavia’s demand was made to the emperor and not the ecclesiastical authorities shows that she saw the church as a political instrument.

The wisdom of Mavia’s attitude can be seen from Constantine’s campaigns against the Goths in AD 332. In the case of Iberia, and arguably Armenia, Rome’s use of the church to entrench its influence had been opportunistic.²⁵ The Iberians and Armenians had, for whatever reason, converted to Christianity of their own accord and Rome enjoyed the diplomatic benefits which flowed from that conversion. In the case of the Goths however conversion appears to be a positive policy on the part of Rome. The church historian Socrates (*HE* 1.18) notes ‘[Constantine] completely vanquished his enemies . . . while they themselves, being terror-struck at their unexpected defeat, then for the first time embraced the Christian religion.’ While Socrates wants his readers to think that this was a form of conversion akin to the miracles that converted Iberia and Armenia (the miracle here being the speed and degree of the Goths’ defeat), it is much more likely that the embrace of Christianity was a condition of the cessation of hostilities. The intention was to control the Goths after their military defeat. The church was already present among the Goths at this time; as has been seen, a Gothic bishop Theophilus had attended the council of Nicaea in AD 325. Theophilus or his successor owed his allegiance to the church hierarchy based in the Roman Empire and ultimately, in Constantine’s view, to the emperor himself. Constantine’s terms would, in theory, have given Theophilus or his successor an important political as well as religious rôle to play in his country.

The Goths did not prove a tractable race however. In an inscription dating to AD 338–40 there is reference to a growing Gothic menace and fortifications built along the Danube to counter this threat (*ILS* 724). At about the same time a Gothic embassy was sent to Constantinople. In this was a young Gothic Christian, Wulfila. On his arrival, Wulfila was ordained as a bishop by Eusebius, the Bishop of Nicomedia, and sent back to the Goths (Philostorgius, *HE* 2.5). It is likely that the Goths already had a bishop at this time and since it seems to be the case that the Gothic church was ordered with only one bishop, the question arises as to what lay behind Wulfila’s mission.

The most likely solution is that this incident shows the problems of using Christianity as a form of political control. Despite Constantine’s heroic efforts to create a unitary Christian faith, different Christian groups remained obdurate in their espousal of different creeds. While monotheism has advantages for control by insisting that one god is the true god, it also breeds forms of dissent about the nature of the godhead which, though easily dissipated in a polytheistic system, it finds impossible to resolve without firm policing. Quite apart from the internal consequences of dissident creeds, their implications for external politics were grave.

Christians of a different creed to the emperor would have a reason actively to oppose rather than support the empire and, if in a position of power, would themselves possess a *casus belli* against it.²⁶

Constantine's successor, Constantius II, was a firm Arian and shared this conviction with Eusebius of Nicomedia. We are told that Wulfila was sent as bishop not to the Goths but to 'the Christians in Gothia' (Philostorgius, *HE* 2.5). Wulfila's mission was therefore not simply pastoral, but also to restore Imperial control over the Gothic Church by ensuring that Gothic Christians supported the version of Christianity which was backed by the current emperor, in this case Arianism.²⁷ Prior to Wulfila's mission the Goths who professed Christianity were Trinitarians or supporters of the Audius of Mesopotamia, a schismatic who after being exiled to the province of Scythia Minor crossed the frontier and began a vigorous mission in the barbaricum (Epiphanius, *Panarium Haeresium* 70).²⁸ Far from being a useful instrument of diplomacy such a church could easily in Constantius's eyes have exacerbated an already dangerous situation.

There can be little doubt that Wulfila proved himself a more than competent preacher and we are told that he made many converts. These are as likely to have been previously Trinitarian Christian, as pagan, Goths. Wulfila was, and remained to his dying day, a convinced Arian. According to the Arian writer Auxentius the Christians converted by Wulfila were 'true Christians', that is Arians (Auxentius, 35 [57]).²⁹ Auxentius also shows Wulfila had no truck with Christians who confessed alternative creeds: 'in his preaching and instruction he asserted that all heretics were not Christians but Antichrists, not pious but impious, not religious but irreligious, not fearful but foolhardy, not with hope but without hope, not worshippers of God but without God, not teachers but deceivers, not preachers but prevaricators'.³⁰ However he made little headway with the Gothic ruling class who continued to regard Christianity with deep suspicion and considered it, like the Persian Great King, as the ideology of a foreign power. The fact that he was not a noble himself, unlike the Armenian Gregory the Illuminator, may not have helped his mission in this respect. In AD 347–8 at a time of growing tension between Goths and Romans a major persecution was unleashed on the Gothic Christians. At the end of AD 348 Wulfila and his flock were expelled from Gothic territory and settled by Constantius near Nicopolis (Auxentius, 75.27; 75.29; Philostorgius, *HE* 2.5; and Jordanes, *Getica* 51.267). War probably ensued soon after – Libanius hints at a major invasion across the frozen Danube that same year and Constantius II is hailed as *Gothicus Maximus* in an inscription dating from AD 354 (Libanius, *Oration* 59.89f.; *CIL* 3.3705/*ILS* 732). In these troubled times Wulfila would have been seen as an agent of Rome and dealt with accordingly. It is of interest that Wulfila's Trinitarian rival, Godda, seems to have avoided the bulk of the persecution, presumably because he was not seen as so closely associated with Constantinople.³¹ Wulfila appears to have continued to have considerable influence among the Christians in Gothia from his new base within the empire.³² However his faith continued to be regarded with suspicion by the rulers of the Goths. Another major persecution broke out in AD 369. Its date is once again significant – the Goths had just been defeated in a long war by the Arian emperor Valens. Athanaric, the Goth king, probably wished to ensure that his kingdom was purged of Christianity in order to stop it becoming a conduit for subversion in his realm.

Orosius states that the Goths had sent ambassadors to Rome asking for bishops to instruct them in the faith and that Valens ‘in his cursed wickedness’ sent them Arian bishops (Orosius 7.33.19). This may be a confusion over the events of AD 338 and Wulfila’s mission to the Goths. Or it could be a deliberate obfuscation on the historian’s part as it would conveniently exonerate Wulfila, whom the later Trinitarian Church tried to claim as one of their own, from converting the Goths to Arianism and place the blame firmly on one of the villains of his history, Valens.³³

Orosius’s confusion is easier to understand if, like Constantine before him, Valens had tried to make conversion to Christianity a condition of the Goths’ surrender. In this case it would make sense for the Gothic king Athanaric to try to purge his kingdom of a creed which he would have viewed as potentially subversive of his already shaken rule. Epiphanius, writing only four years after the persecution, states specifically that it was carried out because the emperor was a Christian (Epiphanius, *Panar. Haeres.* 248.20). While the martyr acts of St Saba who perished in this persecution claim that he was a Trinitarian Christian, the date at which they were written would naturally make such a claim and the implication of Socrates is that these martyrs were Arians (*HE* 4.33). We cannot rule out therefore that the persecution of AD 369 was launched primarily against Arian Goths, and these would have seemed the most dangerous to Athanaric given their links to Rome. However all Christians were probably a target for persecution at this time.

Wulfila was not the only instance of Constantius intervening to correct the tenor of the church beyond the empire. He may also have exiled the Trinitarian *catholicos* of Armenia, Nerses.³⁴ If he did not, Nerses suffered this fate under the later Arian emperor Valens and was only restored to his see with the accession of the Trinitarian Theodosius the Great (Moses Khorenats’i, *History of Armenia* 3.33). While the Arian emperors behaved sensibly from their own perspective, their actions drove a wedge between Rome and the Armenian Church making it a less effective agent of diplomacy – the bitter confessional disputes of the mid-fourth century began to break down the symbiotic relationship between Rome and the Χριστιανοὶ ἔκτοι.

Whatever the case in Armenia, Constantius certainly did attempt to replace the Trinitarian Bishop of Axsum, the modern Ethiopia, Frumentius, sending there Theophilus ‘the Indian’, a charismatic Arian bishop who had successfully established three Arian churches at strategic positions among the Himyarites in southern Arabia. It is difficult to know what degree of success Theophilus had in Axsum. Our Trinitarian sources tell us that Ezana, the king of Axsum, resisted these attempts to change his church’s creed, but the Arian Philostorgius notes that Theophilus ‘put things ecclesiastical in order’ there, implying Constantius’s man was successful (Philostorgius, *HE* 2.6).³⁵ If our Trinitarian writers are correct, it is worth examining why Ezana acted as he did. While the king could have been a pious believer in Trinitarian Christianity and thus resisted Constantius and Theophilus for religious reasons, the fact that at the time Trinitarianism was not the officially approved version of Christianity at Rome might also suggest that, like Queen Mavia, he too was attempting to avoid Roman interference in his kingdom.

As has been seen, Constantius’s behaviour was perfectly rational. The emperor did not limit his activities to external churches, but tried equally hard to reform the church within the

empire, expelling large numbers of Trinitarian bishops. The rise of monotheism had politicized religious belief as never before and the emperor would not have been able to feel secure with a church holding a different confession to his own, moreover Constantius, like his father, firmly believed that he, as the κοινὸς ἐπίσκοπος of the church, had the right to determine church doctrine.³⁶

While Constantius and the later emperor Valens, another convinced Arian, did their work well in Gothia, ironically it proved fatal for Rome's policy of using the church among the Goths as an instrument of diplomacy. The Gothic Church became firmly Arian. But on the death of Valens, Rome reverted to Trinitarianism and remained loyal to this confession. Arianism therefore, although a creed that had briefly proved a common link and, for Rome a potential medium of indirect control, now only strengthened the divide between Goth and Roman. The date of the Goths' conversion en masse to Christianity is controversial, but the fact that they became Arians probably reflects the overwhelming majority sentiment found among them and also perhaps, from their rulers' perspective, a happy way of avoiding religious control from the empire.³⁷

Wulfila's other great achievement the creation of a Gothic bible also re-enforced the divide between Goth and Roman. The use of the Gothic vernacular made the Gospel more accessible and no doubt eased Wulfila's task of evangelism, allowing the Gothic farmer to sing snatches of Scripture at his plough. However, it cut the Goths off from the intellectual currents of the Imperial Church whose works were to be found only in Latin and Greek. This is lamented by Thompson who bemoans the 'arid' nature of Gothic religious thought, but seems unaware of the political implications of Wulfila's actions.³⁸ These were much the same as following the translation of the Bible into the vernacular at the beginning of the Reformation: namely the growth of intellectual independence from the centre.³⁹ The Goths may have been isolated from the theology of the Imperial Church, but they were also freed from its dominance. The use of Gothic for church services would have buttressed this feeling among Gothic Christians of being distinct from their co-religionists within the empire (Theodoret, *HE* 5.30). The reversion of Rome to Trinitarianism was the final stage of this process of alienation. Unwittingly Wulfila had performed the opposite of what his mission had intended. Far from integrating Gothic Christians back into the Universal Church controlled from Rome, as had been intended, he had given them a creed which had led to a sense of distinct identity – a feeling which they were to cling to for over another 200 years.⁴⁰ Although unintended, the episcopacy had gained a new role as a focus for national identity rather than the local representative of a supranational body.

In Armenia after the initial successes of Gregory and Vr'tanes, many Armenian kings resented the power of their bishops and the imperial power that lay behind it. More than one turbulent *catholicos* was to die at the hands of their ruler (Moses Khorenats'i, *History of Armenia* 3.14). These deaths are normally attributed to the ruler being angered at just reproaches about his private life, but political reasons are more likely to have been at the root of the problem. These difficulties culminated in the reign of King Pap, who though a creation of the *catholicos* Nerses and Theodosius the Great, attempted to throw off his subordinate status by poisoning Nerses and appointing his own successor to the catholicate, Shahak, with no reference to the See of Caesarea where the *catholicos* had been traditionally appointed (Moses Khorenats'i, *History of Armenia* 3.39; P'awstos Buzand, *Epic Histories* 5.29). Quite apart

from the ecclesiastical furore that this caused, it led to the almost immediate assassination of Pap by Rome's agency. But the writing was on the wall – the appointment of the *catholicos* now marked where real power lay in the land.

As Armenia slipped from Rome's control, Persia's Armenian client king Khosrov III incurred Persian displeasure for acting in exactly the same way as Pap by appointing a *catholicos* (once again named Shahak) by himself. The punishment this time was deposition rather than death and Khosrov's appointee was left in place and later engineered his king's return (Moses Khorenats'i, *History of Armenia* 3.50, 3.55). However on the full annexation of Armenia, the Persian Great King moved to a previously Roman model by insisting that his appointee be made archbishop. According to the late seventh century *Narratio de rebus Armeniae* (65–6) these events marked the beginning of the end of Armenia's link with the empire: 'scattered and dispersed were the children of the Catholic Church, . . . who found themselves cut off from the tradition of St. Gregory and rejected by the throne of Caesarea'. The reason for this according to the *Narratio* was that the Armenian Church had had the audacity, ἀθάρδεια, to consecrate its own bishops with no reference to Caesarea.

As among the Goths, the development of a national alphabet and its adoption for religious practices, also distanced the Armenian Church from Rome. The *catholicos* Shahak was instrumental in having an Armenian script developed by his colleague Mashtoc' and he himself contributed a translation of the New Testament for a new Armenian Bible (Ghazar P'arpec'i', *History of the Armenians* 11.29–31). While this at first met with some resistance in Roman Armenia, Shahak through careful diplomacy managed to persuade Theodosius II, rather to the resentment of the Imperial Church, that it should also be used in his realm (Moses Khorenats'i, *History of Armenia* 3.54, 3.57). Like Wulfila, the motivation for these developments may well have been primarily to aid evangelism (Ghazar P'arpec'i', *History of the Armenians* 10.25). According to Ghazar P'arpec'i the use of Syriac scriptures in Armenia had meant that 'the people . . . were unable to understand or benefit [from religious services]. The unfamiliarity of Syriac was tiresome for officiants and brought no profit to the people'. But the new language also had two other significant effects – it served to unite the Armenian people after their land had been politically divided between the Persian and Roman empires and also further loosen the dependency of the local church from that of the empire. It is difficult to believe that Shahak was unaware of the probable consequences of his actions. More likely he strove, and successfully, to preserve the identity of his people from destruction and no doubt also to entrench his faith among them. In both these aims he was eminently successful as both the flowering of Armenian literature dating from this time and the continued existence of the Armenian people shows. The bishop again, this time wittingly, had become a cultural champion of his people.

As with the Goths, the Imperial and Armenian Church drew apart. Roman weakness played a role here. In AD 450 the emperor Marcian declined to aid the Armenians in a war against Persia. The fury this caused can be seen in the words of one Armenian historian: 'This ignoble man thought it better to preserve the pact with the heathen for the sake of earthly peace than to join in war for the Christian covenant'.⁴¹ This sense of grievance must have been further deepened as the Imperial Church adopted theological positions further and further removed from those of the Armenian Church. The breach was formalized at the second council of Dvin

convened by Nerses II in AD 554 where the Imperial creed of Chalcedon was condemned as a Nestorian heresy.

In Persia a similar process occurred. Here the weakness of Rome's military might was probably the most important factor in the drifting away of the Persian Church. Rome could no longer be relied on, even as a distant hope, to protect Persian Christians. Therefore through a mixture of royal coercion and self-interest, the Persian Church began to distance itself from the Imperial Church. In AD 410, Bishop Isaac of Seleucia convened a Synod in his home town at which a delegate of the Church of Antioch, Marutha, recognized the primacy of the Metropolitan of Seleucia for the first time. Strikingly the Persian king was happy to enforce church discipline by not allowing any Christians in his realm to reject Isaac's authority. The Persian Church had gained a new, if somewhat unreliable, patron.⁴² Again, ecclesiastical independence led to a growing difference of doctrine and in a series of councils and synods, the Persian Church evolved its own distinctive creed, based on the teaching of Theodore of Mopsuestia. In Imperial terms this made it a 'Nestorian' church and the breach was complete.⁴³

The Christian religion should have offered Rome an ideal opportunity to exert political power beyond her borders and at first a policy of imperialism via evangelism seemed to work. Local bishops provided agents for Rome and gained imperial protection in return. But despite Orosius's hopes, this potentially profitable symbiosis rapidly broke down. The reason was political and military weakness on the part of Rome. The former meant Constantine's vision of the emperor as a universal bishop was never achieved. Only such a 'bishop' could have kept the warring factions of the church in order and engendered unity. Constant bickering meant that the church's energies were spent on internal disputes rather than external evangelism and the emperor was in no position to stop this. Roman military weakness also played its role. Bishops in the *barbaricum*, deprived of spiritual succour, could no longer hope for Rome's physical protection, still less for incorporation into the empire and so, not unnaturally, looked for protection elsewhere. A wish to create one large flock had in the end resulted only in the scattering of the sheep. To paraphrase Gibbon the result had been the triumph of barbarism and religion over statecraft.

Notes

- 1 Perhaps in part Tertullian's aim was to demonstrate that Christ was a greater conqueror than the archetypal first emperor, Augustus. A copy of Augustus's *Res Gestae* in which he claims: 'I extended the borders of all the provinces of the Roman people which neighboured nations not subject to our rule' (RG 26) would probably still have been visible in Carthage when Tertullian wrote.
- 2 [P'awstos Buzand], *Epic Histories* (trans. Garsoian [1989]) 3.10.36; Socrates, *HE* 1.8; Eusebius, *VC* 3.7.
- 3 Eusebius, *VC* 1.44. In some ways Constantine's adoption of this title is reminiscent of Augustus's assumption of *Maius Imperium Proconsulare*.

- 4 Eusebius, VC 4.24. ‘While you are bishops of those within the church, I have been appointed by God to be bishop of those outside it’.
- 5 See G. Fowden [1993] ch. 4; Eusebius, VC 4.29.
- 6 Lactantius, *Inst.* 7.26: *sanctissime Imperator . . . te Deus summus ad restituendum iustitiae domicilium, et ad tutelam generis humani, excitavit.*
- 7 The letter perhaps dates to AD 324, see T. D. Barnes [1981]: 258–9.
- 8 See G. Fowden [1993]: 96–9.
- 9 See also the martyr acts of Simon edited by P. Bedjan [1891]. There are German translations by Hoffman [1880] and Braun [1915].
- 10 For the date of Sim’un’s martyrdom, see Higgins [1955].
- 11 Walker [2006]. A contemporary analogy is the suspicion incurred from muslims by contemporary Iraqi Christians of sympathizing with the Western Powers who invaded Iraq.
- 12 The protestations of loyalty mirror those made of the apostles found in the New Testament.
- 13 Griffith [2003].
- 14 See the comments of Wigram [1910]: 63.
- 15 See T. D. Barnes [1985] and Morrison [2004].
- 16 Moses Khorenats’i, *History of Armenia*, 3.16.
- 17 For a good account of the relationship see D. Hyde [1950].
- 18 *providentia Dei Christiani omnes modo facti catholica fide nostrisque clericis, quibus oboedirent, receptis blande mansuete innocenterque uiuant, non quasi cum subiectis Gallis sed uere cum fratribus Christianis.*
- 19 See Thompson [1985], ch. 5.
- 20 The bishop was named John and he took with him two priests and three deacons.
- 21 Traditionally the date of Tiridates’s conversion was in AD 301, but see Ananian [1961].
- 22 See the comments of Moses Khorenat’si, *History of the Armenians* 2.92 (trans. Thomson [1978]) that Tiridates III was a greater man than Gregory the Illuminator as he ‘subjected his people to the faith by persuasive or forceful words’.
- 23 Hewsen [1986]. The ecclesiastical historians make Tiridates’s conversion a result of miracles performed by Gregory the Illuminator. However the fact that Gregory was connected to the ruling family and thus a potential rival was probably a more important consideration for Tiridates.
- 24 See A. E. Redgate [1998]: 113.
- 25 Unless, of course, the ecclesiastical historians who record these events are simply piously obfuscating the realpolitik which were the true causes of these peoples’ conversion.
- 26 For a discussion of these problems, see Momigliano [1987].
- 27 See as parallels the despatch of Germanus to Britain in AD 429, by the Gallic Church, Bede 1.17, and Palladius to the ‘Irish who believe in Christ’ by Pope Celestine in AD 431, Prosper, *Chronicle* 1307, in both cases to combat Pelagianism.
- 28 See Thompson [2008]: 82–3.
- 29 *cristianos uere cristianos esse manifestauit et multiplicauit.*
- 30 *Predicatione uel expositione sua omnes haereticos non cristianos sed antecristos non pios sed impios, non religiosos sed inreligiosos, non timoratos sed temerarios, non in spe sed sine spe, non cultores dei sed sine deo esse, non doctores sed seductores, non*

predicatores sed preuaricatores adserebat.

- 31 For Godda, see E. A. Thompson [2008], appendix 2.
- 32 Sozomen, *HE* 6.37.
- 33 For attempts to rehabilitate Wulfila as a Trintarian, see Socrates, *HE* 2.41.
- 34 Date of Nerses's exile remains controversial. For the case that he was exiled by Constantius, see Baynes [1910].
- 35 Constantius' letter to Ezana where he urges that the Axsumite Church's creed should be identical to that of Rome on the grounds that the two nations deserve the same respect has been preserved by Athanasius, *Apologia ad Constantium imperatorem* 31.
- 36 Athanasius, *Hist. Arian.*, 33, 'What I wish shall be the law of the Church'.
- 37 Heather [1991]: 105. The choice is perhaps analogous to that made by the Khazars to become Jews rather than Moslems or Christians in the eighth century, thus avoiding external religious control.
- 38 Thompson [2008]: 117.
- 39 See Salvian's, hostility to both the text of the Gothic bible and Gothic exegesis, *De Gub. Dei* 5.5.
- 40 See Kauffmann [1899] lix for Wulfila's self-identification with the Roman Empire.
- 41 Eliše (Eliseus), edited Ter-Minasean [1957] and translated Thomson [1982]. The work is traditionally attributed to the sixth century.
- 42 See Stevenson [1981].
- 43 S. P. Brock [1985] and [1996].

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Conflict and Compromise: The Spanish Catholic Bishops and the Arian Kingdom of Toledo (from Vouillé to Leovigild)

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Introduction

Nowadays there is a broad historiographical consensus in considering the Arian Kingdom of Toledo as a period of religious tolerance and peace for the Hispanic Catholic churches. Certainly the times of the barbarian invasions, when the Vandals forced a rich Spanish landowner to be baptized as an Arian (Greg. Tur., *Hist. Franc.* II, 2); or the behaviour of German armies acting on behalf of the empire when Theodoric II, the Visigoth, profaned the basilicas of Braga and maltreated the clergy there (Hyd., *Chron.* 174) were long passed. Throughout the fifth century the Hispano-Roman bishops, having consolidated their role as spiritual and material leaders of the population, learned to live with their new masters (Ubric 2004: 57–92). During the Kingdom of Toulouse, despite some difficulties, there was a reasonable coexistence between the Arian kings and the Catholic hierarchy (Schäferdieck 1967: 82–104; Wolfram 1990: 187–260; Rouche 1993: 281–90). Towards the end of the kingdom the two can be seen as collaborating together. Spurred by the threat of the Franks, Alaric II attempted to unite the population and changed his hostile policy towards the Catholic bishops for a conciliatory one at the council of Agde happens in 506 (Rouche 2008: 13–26). In a clear break with past practice this council was promoted by the Arian king himself (Jiménez Garnica 1983: 160). At the council Alaric tried to solve the problems with part of the Gallic episcopate (Rouche 1979: 43–50). The council ended with the anticipation of a further meeting the following year (*Conc. Agath.*, c. 71)¹ where the participation of the Spanish bishops was actually expected (Caes. Arelat., *Ep.* III) and this was only prevented by the Franks' final offensive.

However, it would be wrong to draw an idyllic picture about the relations between Hispanics and Goths during the Arian kingdom of Toledo. Coexistence was not easy, as it was imposed by an army, a population and a Germanic king who was increasingly autonomous, near and present. In relation to what most concerns us, the relationship between Hispanic bishops and the crown: the bishops' subjection to an Arian monarch should certainly have provoked a strong ideological clash. In the Roman tradition, it was the duty of the political power to support religion because it was the key of the economy of salvation, both personally and for the community. So, according to the Catholic ideology, the civil law should favour the church, deal with the heretical deviations and persecute the heretic himself – something that was impossible under the current conditions. At the beginning of the sixth century the happy

days of the *Imperium Christianum* were just a memory: Gothic kings had taken as their own those religious duties previously undertaken by the imperial agents, but these kings had their own church and professed an Arian creed that cannot be classified as a temporary or transitory phenomenon in the German population (Simonetti: 1980, 374). Thus, the bishops would have to accept a new *status quo vivendi* and try to ensure their traditional authority. At the very best their religious monopoly would be limited to the Hispano-Roman population – Jewish population apart – so that Catholicism would be another *religio licita*, which would have to live with the Arianism of the monarch and a great part of the Gothic people.²

So, what were the nature and the limits of tolerance? How did the bishops live under subjection to kings they considered heretics though showing themselves as respectful and kind? Was any collaboration possible? Considering the limitations of our sources in relation to the Arian Church (Orlandis 1981: 5–20; Thompson 1971: 53–67), in these pages we make an approach to the religious policies of the monarchs and the strategies developed by the Catholic bishops. The time frame chosen will take us from Vouillé (507) to the enthronement of Leovigild (568). The Battle of Vouillé is a milestone for the *gens Wisigothorum* and the history of the peninsula. Regarding Leovigild, his reign brought radical change in many respects: on the one hand his unification policy was intended to end the political fragmentation and the division of the population that characterized the Hispanic lands (Collins 2005: 33–60), and on the other it came to alter the coexistence between religions (Valverde 1999: 123–32).

The Arian kingdom of Toledo

An anonymous writer sums up the consequences of the Battle of Vouillé in two sentences: *Alaricus rex in proelio a Francis interfectus est. Regnum tolosanum destructum est* (*Chron. Caes.* ad a. 507). Indeed, Vouillé brought the death of King Alaric II (484–507) and the destruction of the Kingdom of Toulouse, forged in the fifth century. Only the decisive military intervention of the King Theodoric and the Ostrogoths prevented the dissolution of the *regnum* (*Proc., Bell. Goth.* I, 12, 44–5). The Visigoths found their salvation in a new *patria Gotorum*, in Hispania, until then a relatively marginal area of their domains (García Moreno 2008: 105–27). In this uncertain situation, Gesaleic (a. 507–10), illegitimate son of Alaric II, was elected as king of the Visigoths (*Proc., Bell. Goth.* I, 12, 43). However, his situation was not secure as we know from conflicts in Barcelona where he sought refuge (*Chron. Caes.* ad a. 510–11). After an attempt to save his position through an alliance with the Vandals of Trasemund, he was eventually defeated by Theodoric the Ostrogoth (*Is., Hist. Goth.* 38). Although Isidore considered the ignominious flight of Gesaleic as the reason for the action of Theodoric (*Is., Hist. Goth.* 37), there were more important reasons: the Ostrogothic king had intervened in the Visigothic-Frankish war mainly for his own interests and therefore he was looking to increase his own power. The most obvious manifestation of this was the transfer of the famous Visigoth treasure to Ravenna (*Proc., Bell. Goth.* I, 12, 47). Theodoric's intervention heralded what has been termed 'the Ostrogothic intermission' (García Iglesias 1975: 89–120) or 'the Ostrogothic supremacy' (García Moreno 1988: 147–60), which covered the reigns of Theodoric,

Amalaric, Theudis and Theudiselus.

According to the information given by Jordanes, this period starts with the guardianship of Theodoric (510–26) over his grandson Amalaric, the legitimate son of Alaric II (Iord., *Get.* 302). In this sense, the two domains, *Regnum Italiae* and *Regnum Hispaniarum et Galliae*, remained separate legal entities (Valverde 2000: 119). However, Isidore says that Theodoric reigned in Hispania (Is., *Hist. Goth.* 39). More ambiguous is a king-list drawn up in the seventh century because it shows Theodoric as the king of Hispania, it also refers to the guardianship of Amalaric (*Lat. Reg. Visig.* 17–18). Regardless of whether Theodoric exercised guardianship or was king, the government was ruled from Italy as the letters addressed to the prefect Ampelius prove (Cass., *Var.* V, 35 and 39). No wonder Theodoric was considered as a true emperor (Proc., *Bell. Goth.* I, 1, 29).

What religious policy did this regime pursue and how was it perceived by the Catholic hierarchy? This issue was tricky for the crown, as a false step might arouse sympathy among Hispanics to the Franks, recently converted to Catholicism. Something similar had happened before (Greg. Tur., *Hist. Franc.* II, 35). Added to this potential danger was that in the socio-religious terms Theodoric in his Hispanic domains encountered a similar situation to the one he confronted in Italy: a majority Catholic population. Therefore, an obvious thought was to carry out a similar policy. His religious policy in Italy is shown by his devout visit to Saint Peter's (*Anonymus Valesianus* II, 65). However this was not so much an act of religious tolerance, at least as we understand it today, as an act of political policy. This was based on the coexistence of two clearly different populations, the Gothic and Roman, the first taking charge of the army and the second taking care of state administration. Theodoric's Italian subjects were fully aware of this division. They collaborated with the king, but at the same time they felt clearly distinct from the Germans. Their different religions contributed to this clear separation. Consequently, two religions, ethnically identified as different, had to live under Theodoric's control: on the one hand, the state confession, the Arian or Gothic one, and on the other, a *religio licita*, the Catholic or Roman one. Only when Italy was threatened and Justin prohibited the Arianism in the Eastern Empire, seizing the churches of this confession,³ did Theodoric change his tolerant and conciliatory policy (Picotti 1956: 173–226).

These same criteria of 'tolerance' would be used to rule his new Hispanic domains. However, it was a novel situation. Pope Simmacus was aware of this when in 514 he instructed Caesarius of Arles, as an Apostolic Vicar,⁴ to monitor the religious situation in the provinces of Hispania and Gaul (Simm., *Ep. ad Caesarium Arelat.*). We do not know exactly the extent and duration of these powers (Abadal 1969: 51), but its influence in Tarraconensis is undeniable (Martínez Díez 1966: 288–9). In 517 Pope Hormisdas did the same with Bishop John of Elche probably for the province of Carthaginensis, though safeguarding the rights of metropolitan bishop there (Horm., *Ep. Ad Ioannem Illicit. episc.*). In 521 Hormisdas also appointed Salustius of Seville as a vicar – a renewal of the concession that the popes had granted to Bishop Zenon during the late fourth century (Vilella 1994: 479–81) – this time for the provinces of Baetica and Lusitania (Horm., *Ep. ad Sallustium Spalens. episc.*). These appointments gave enough authority to summon councils, except in the case of John, as this would have been injurious to the metropolitan bishop located in Cartagena (Fernández Alonso 1995: 235–6) and responded to the desire of the papacy to direct the Hispanic churches.⁵ Both

the king and the pope obtained benefits from these actions. The former because he needed the supervision over some churches that were the main factor of cohesion of the Hispanic population – in fact they were the only stable power in the Peninsula since the fall of the Roman state apparatus (García Moreno 1988: 151–2). The latter because his influence was now backed by royal authority. Moreover, the reign of Theodoric could be seen more as an opportunity than as cause for suspicion by the pope: he could benefit from the new political situation: a common government in Italy and Hispania. In fact, the pope had no reason for alarm.⁶ Catholic churches enjoyed peace with Theodoric. In 517 Pope Hormisdas addressed the Hispanic bishops urging them to hold at least a provincial council every year (Horm., *Ep. ad episcopos per Hispaniam constitutos*, 2), knowing that the monarch would not be an impediment to this. The test was the celebration of the councils of Tarragona (516) and Gerona (517), both in territory controlled by the Ostrogothic monarch. A bishop of Cartagena, Hector, who emphasized his metropolitan status, attended a provincial meeting in Tarragona, as together with a bishop from Granada, Orontius (*Conc. Tarr.*, subscr.). How can we explain this anomalous presence in a council of the province of Tarragona? Perhaps it was due to the current political situation that allowed alliances with church leaders who were outsiders of the territory controlled by the king. In the canons of Tarragona a statement of commitment to metropolitan powers was shown (*Conc. Tarr.*, c. 5, 6 and 13).⁷ Without any doubt, Hector gladly gave assent to these resolutions. The presence of these two bishops is a demonstration of their interest in attending the meeting and that the Gothic

authorities had no objection. The following year the bishops of Tarraconensis were summoned to Gerona. Nothing disturbed Orontius during his stay in the Gothic territory, as he came again on this occasion (*Con. Ger.*, subscr.). At the meeting in Tarragona a provision was made for an annual visit to the churches of the diocese (*Conc. Tarr.*, c. 8), a testament to religious freedom. Church life continued normally under the Ostrogoths' government, as is illustrated by the regulation of the *audientia episcopalis* or monastic life (*Conc. Tarr.*, c. 10–11).

The ambiguous behaviour of the Ostrogoth Theudis – who was suspected of aspiring to rule in his own right (Proc., *Bell. Goth.* I, 12, 50–4) – perhaps convinced the king of the need to pass on full power over the Hispanic territories to his grandson Amalaric (Is, *Hist. Goth.* 39). In any case, any plan to unify Italia and Hispania ended with the death of Theodoric.⁸ The imperial dream vanished before the Germanic tradition of the *regna* and the previous situation was reinstated, namely the full sovereignty of the Visigothic kingdom. Amalaric (526–31) got the Visigoths' treasure back from the Ostrogothic king Atalaric, secured the end of the payment of taxes to Ravenna, the repatriation of Ostrogothic overseers and an agreement by which the Ostrogoths who were married to Hispanic women could opt to stay in the Peninsula – a matter that would be key for Theudis' future ambitions (Proc., *Bell. Goth.* I, 13, 6–8). He also tried to reach an agreement with the Franks through his marriage with Clotilde, a Catholic, an alliance that eventually failed and would finally be fatal.⁹

Is it possible that Amalaric changed the policy of tolerance and cooperation pursued by Theodoric? We know about his intransigence towards his Catholic wife from Procopius (Proc., *Bell. Goth.*, V, 13, 9–10). This information is supported by Gregory of Tours (Greg. Tur., *Hist. Franc.* III, 10), who embellishes it with colourful details and was considered the *casus belli*

of the conflict between the two groups by the Franks. Despite this sample of 'domestic intolerance', the fact is that Amalaric had a Hispano-Roman prefect (*Chron. Caes.* ad a. 529) and above all in 531 the second council of Toledo was held, the fifth year of Amalaric's reign, at which he is referred to as 'our Lord' (*Conc. II Tolet.*, init.). This provincial synod was attended by five bishops and a certain Marracinus, a bishop in exile in Toledo 'because of his Catholic faith' (*Conc. II Tolet.*, subscr.).¹⁰ Therefore, Amalaric not only allowed the meeting, but Toledo was a place of refuge for a Catholic bishop.¹¹ However, the calling of this council coincided with the offensive of the Merovingian king Childebert on the Septimania (*Chron. Caes.* ad a. 531). Given the external constraints, it is not strange that Amalaric tried to gain the support of the bishops. Once again this is a show of 'tolerance' that must be understood as in reality a political strategy.

The bishops in Toledo addressed one of the issues with which they were more concerned for patrimonial reasons: clerics who went to other dioceses (*Conc. II Tolet.*, c. 2). On the other hand, they also referred to the absent bishops, defending the validity of decisions made throughout the ecclesiastical province (*Conc. II Tolet.*, c. 5). No doubt both resolutions found support from the king. The first, because it referred to clergy who escaped to sites outside their domain. The second, because it appealed to the monarch's clear interest in asserting the metropolitan status of Toledo (Mansilla 1991: 523–41). If Theodoric had previously sought the complicity of the metropolitan Hector, Amalaric set his sights on a chair which he directly controlled: Toledo. Finally, the bishops provided for the holding of another council in the near future, appealing to divine mercy that the king would give his permission (*Conc. II Tolet.*, subscr.). However, we know nothing further about this. The council in the *Collectio Hispana* is accompanied by two letters of the bishop Montanus of Toledo, which both clearly show his willingness to act as metropolitan. These letters are directed respectively to the lay lords of the territory of Palencia and to Toribius. In the first Montanus rebukes the powerful laity because the priests ministering on their possessions have consecrated the chrism (a function reserved to the bishops) and are sympathetic to Priscillianism. It also condemns that summoning of bishops from outside the province to consecrate churches. Montanus saw that this was contrary to the church's interest, and even that of the king who knew about the issue (Mont. episc., *Ep.* I). In my opinion the king's cognizance of this matter would have alarmed Montanus, because these bishops probably were coming from the Suevic Kingdom. The second letter is addressed to Toribius, possibly a secular with senatorial rank. Montanus claims that Toribius had finished with idolatry and Priscillianism in those places where he had some sort of authority. After referring to the disciplinary abuses that occurred in the region, Montanus encouraged Toribius to intervene using the 'most severe authority of a bishop'. This letter is important because it states that Toribius had also tried to attract the Visigoths to the Catholic faith, expressing this with prudent circumlocutions without mentioning the Goths or the Arianism by name. As such it shows there was not an absolute separation of the two ethnic groups in religious matters: although they were not widespread, attempts were made to attract the Visigoths to the faith of the Catholic majority. In other words, the king's tolerance allowed personal conversion. Finally, regarding the issue of alien bishops, Montanus threatens Toribius that he will inform the king and Erga the *iudex* (Mont. episc., *Ep.* II). This fact has been seen as evidence of collaboration between the bishops and the Gothic administration. However while

such mutually productive collaboration did take place with the bishopric of Toledo, the general tone of these letters shows some concern about the actions that may be undertaken by Amalaric. If we add the appeal to the king's favour in the final conclusions of the council of Toledo which was absent at the time of Theudoric as it was unnecessary, we can see that the church's relations with Amalaric were tempered by diffidence. We should not forget that the bishops were always in an inferior position with respect to the monarch. Consequently, it was appropriate to be cautious, because the tolerance of the monarch had no religious reasons but political ones so he could change his mind.

After the death of Amalaric, Theudis, his former tutor, was enthroned (531–48). Theudis had married a rich Spanish landowner. This provided him a significant military contingent (Proc., *Bell. Goth.* I, 12, 50–1). With the support of the Ostrogoths who had settled in Hispania and of part of the Hispano-Roman aristocracies, the Kingdom would significantly change, now focusing on Hispania. Having consolidated his power, Theudis fought against the Byzantines on the other side of the Straits (Is., *Hist. Goth.* 42), but above all he had serious problems with the Franks who were raiding Tarraconensis. According to Gregory of Tours, the city of Zaragoza defended itself behind its walls and with the divine protection of Vincent the martyr (Greg. Tur., *Hist. Franc.* III, 29). Gallic sources add that once the Merovingians knew that the town was Catholic, they agreed with Bishop John to withdrawal in exchange for a relic (*Gesta Franc.* 26, *Vit. Droctovei abb.* 11). The reality is more prosaic. The withdrawal of the Franks was forced when the Ostrogothic *dux* Theudiselus occupied the Pyrenees (Is., *Hist. Goth.* 41). However, we should note the invocation of divine defence against the incursion and the important role played by the bishop as *caput* and *defensor ciuitatis*.

There is no doubt about Theudis' religious policy. Despite being an Arian, Theudis gave peace to the church, supported the ecclesiastical discipline legally and allowed a church council to be held at Toledo (Is., *Hist. Goth.* 41). We know nothing about this council, but we do about other provincial councils: the first councils of Barcelona (ca. 540), Valencia (546), and Lérida (546). The first two were devoted to the ecclesiastical discipline, the one in Valencia mainly with the property issues. In this respect, it should be noted that our sources do not record any cases of confiscation of church property during the period under review; therefore the churches continued their economic life without disturbances other than those caused by war or internal abuses. On the other hand, the council of Lérida is more interesting for our purposes. It dealt with clerics who had stained their hands with enemy blood (*Conc. Ilerd.*, c. 1), who were killing one another (*Conc. Ilerd.*, c. 11) and other behaviour that shows a community with serious problems. Its rulings must be seen in relation with the Frankish raid and inguinal plague of the following year (*Chron. Caes.* ad a. 541–2). Special attention should be given to the subject of the Hispano-Romans who were re-baptized into the Arian religion (*Conc. Ilerd.*, c. 9, 13 and 14). Those were mostly servants who had been baptized into this heresy by their Gothic masters, but voluntary apostasy also documented as are Catholic parents who baptized their children in Arian churches. The third book of the Bishop of Valencia, Justinian's *Responsiones* were devoted to the illegality of the iteration of baptism (Is., *Vir. Ill.* 20). Around the year 542, Justus of Urgell also wrote a letter to the deacon Justus (*Iust. epsc., Ep. ad Iustum diac.*), bemoaning the slack attitude in relation to religious studies. It can be seen that the bishops were on the defensive, not so much against the Goths but against the

temptations of the Hispano-Roman population itself, and very concerned about the poor preparation of their own clergy. On the other way hand, the council of Valencia took action that may have affected Arians, although only referred generally as people of other belief, who might seek conversion to Catholicism (*Conc. Vall.*, c. 1). But proselytism, both Arian and Catholic, was limited to individuals.¹² In this sense there was an atmosphere of religious liberty, as we know, for instance, from the intense building activity of Justinian of Valencia (Linage 1972: 203–16).

The same procedures that brought Theudis to power killed him (*Is.*, *Hist. Goth.* 43), and enthroned Theudiselus (548–9). This was already highlighted in the campaign against the Franks and is why we can assume that his power-base was the same as that of his predecessor. Isidore, well informed about the events that happened in Seville, believed that Theudiselus' insults to the members of the *aula regia* were the reason for his murder in Seville during a banquet the year after his enthronement (*Is.*, *Hist. Goth.* 44; *Greg. Tur.*, *Hist. Franc.* III, 30).

Little can be said about the religious politics and actions of the bishops during the brief reign of Theudiselus. Gregory of Tours portrays the monarch as sceptical of miracles which are said to have occurred in a baptistery in Baetica (*Greg. Tur.*, *In glor. Mart.*, 23–4). However, this may be an invention of the Gaul as it does not appear in any other source, and would be a sign of the vitality of Catholicism in Baetica. Nor do we know about any councils which took place. This absence continues until the reign of Reccared, who takes care to recall it by saying that such meetings had been prevented by the Arian 'threatening heresy' (*Conc. III Tolet.*, proem). Some commentators have even suggested a change in the conduct of the crown since the reign of Theodiselus, but I think that it is more logical to interpret this as a rhetorical statement typical of a triumphant moment – namely that Reccared is referring to the most immediate past, namely the reign of Leovigild.

On the death of Theudiselus, Agila was enthroned.¹³ He quickly undertook a war activity against the Catholic Baetican aristocracy which had remained autonomous until this point in time and which was centred on Córdoba. Taking the offensive, Agila desecrated the church of the martyr Acisclus of Córdoba (*Is.*, *Hist. Goth.* 45). It must be remembered that royal tolerance was essentially political and that the Hispano-Romans used the religion as a bulwark of defence,¹⁴ Agila's attitude therefore did not show a striking change of direction. After his defeat, the death of his son and the loss of the royal treasure, Agila fled and took refuge in Mérida (*Is.*, *Hist. Goth.* 46). Note that he did not fall back to Seville, perhaps because he mistrusted the loyalty of the Baetican capital. It was precisely from this city that contingents left in order to fight for the crown led by a Visigoth called Athanagild, who was possibly linked with the dynasty of the Balths (Rouche 1986: 109). Isidore describes the incident as a civil war between Goths but the Hispano-Romans in Seville would have enjoyed it as a fight between Goths and certainly what happened in Córdoba would not be to their liking. It is possible that the religious issue was used by the adversaries, in particular by Athanagildus (García Moreno 1989: 101). The war led to the arrival of the Byzantines into the Peninsula, after Athanagild called on them for military assistance, for which purpose he signed a pact with the emperor Justinian (*Greg. Magn.*, *Reg. Ep.* IX, 29). This Byzantine presence had an immediate impact: Agila's supporters, aware of the danger, killed their king and conceded the throne to Athanagild. Once his rule was secure, the rest of Athanagild's reign was marked by a

race with the Byzantines, his former allies and now enemies, to control the strategic Gualdalquivir valley. This region was the home of Catholic Hispano-Roman aristocracy that was reluctant to be absorbed into any jurisdiction: in the case of Athanagild for cultural and religious reasons, while in the case of the empire because it would involve subjection to a centralized system with the imposition of taxes (Salvador 1990: 37–8). Taking advantage of the fact that Athanagild had retired to Toledo, rebels in Seville, perhaps encouraged by the proximity of the Catholic Byzantines, took up arms but without success (Vallejo 1993: 123–4). Córdoba enjoyed a different fate as it could not be subdued (*Chron. Caes.* ad an. 568): once again a Gothic king failed in his attempts to capture this iconic city led by its bishops.

However, it seems that religion did not influence the behaviour of Athanagild who always followed a line of political pragmatism. Besides calling on the help of the Byzantines, he established marriage alliances with Catholic rulers by marrying his two daughters, Brunequilda and Gelesuintha, to the Merovingian monarchs, Sigebert of Austrasia and Chilperic of Neustria (Greg. Tur., *Hist. Franc.* IV, 27–8). In this case, the reason was to shackle the political options of Guntram (Goffart 1957: 85). These links assume the adoption of the Catholicism by the princesses, and are a demonstration of Visigothic religious flexibility on the part of the princesses, the king, and Queen Gosvinta – who is considered to be an intolerant Arian who had been the inspiration behind Leovigild's policy (Greg. Tur., *Hist. Franc.* IV, 27–8).¹⁵

When Athanagild died, after a brief power vacuum, Liuva I (perhaps of Ostrogothic descent: García Moreno 2008: 25–9) was enthroned in Septimania, maybe because of the insecurity of this northern border. Indeed, the tragic fate of Gelesuintha shortly after her marriage came to ruin the stability of Gaul (Ven Fort., *Carm.* VI, V). When Liuva I shared the throne with her brother Leovigild along the title of king of the Spanish domains (Is., *Hist. Goth.* 47; Ihoan. Bicl., *Chron.* a. 569, 4), the *regnum* entered into a new political stage with its final configuration as a true state. In this state, the religious unification of the population appeared to be a necessity.¹⁶ In fact, the test of 'segregated coexistence' or cohabitation that was established in the Arian kingdom of Toledo, was showing signs of exhaustion, with figures such as John of Biclaram or Masona, who were Goths but confessionally Catholics (Is., *Vir. Ill.* 31; *VSPE* V, 4–5).

Conclusions

As we have observed, until Leovigild's reign Catholic bishops lived in a general atmosphere of tolerance. In this way, Catholic churches followed their lives without interference. The bishops were in charge of ensuring orthodoxy prevailed and they could even count on royal collaboration to resolve their jurisdictional disputes, because the two groups shared the same interests. The major beneficiaries of this collaboration were the papacy, the council movement, and especially the bishopric of Toledo which was inclined to serve the crown in order to obtain metropolitan rank.

As regards the tolerance of the monarchs, shown by their unwillingness to unify the

population forcibly, this was seen as a useful political tool, enabling partnerships to be built between the king and the Catholic Church and bishops. This was all aided by a *fides gothica* which lacked a true desire to proselytize. The consequence seems clear: the period under review was characterized by religious tolerance. The strongest evidence of this may be the individual conversions in both directions and that the economic life of the Catholic churches was affected only occasionally by military incidents or internal abuses.

However, some changes did occur during the 60 years which have been analysed. Theodoric was the architect of a policy of religious tolerance that was continued without any hesitation by another Ostrogoth, Theudis. On the other hand, Amalaric's rule is a period when it is possible that the king's religious beliefs, or the lack of political intelligence, interfered temporarily this tolerance, causing some concern among the bishops, despite the selfish cooperation with the king offered by the bishopric of Toledo. Regarding Agila and Athanagild, they continued a religious policy which cannot be classified as other than pragmatic: Agila attacked the Catholic city of Córdoba, while Athanagild built alliances with Catholic kingdoms.

All this religious situation would be altered by the expansion of the kingdom to the south, its lack of sufficient strength to dominate this region, the vitality of the Baetican bishops and the need to defuse the religious disputes in the face of the threat posed by Byzantine troops stationed on the southern coast, and also because of the artificiality involved in a policy design based on the division of the population in the second half of the sixth century.

Finally, after several years of turmoil during the reign of Leovigild, Catholic bishops came to consider Reccared a powerful ally and the agent of establishing a Catholic confessional state with which church and crown actively collaborated together. From this point on during the Catholic kingdom of Toledo, compromises and conflicts had other features and in the sphere of religion the Catholic bishops benefited not from religious tolerance, but rather the peace provided by their victory.

Notes

- 1 I follow the numbering of the *Collectio Hispana* (= c. 49 in Ch. Munier, *CCSL* 148, 1963).
- 2 Although we can doubt about the effective establishment of the *Lex Romana Visigotorum* in Hispania, the truth is that the new radically situation that would mark the Arian kingdom of Toledo is found there: the old Roman laws were expunged of any punitive reference to the Arianism and Paganism (Heuclin 2008: 65–6).
- 3 Proc., *Anecd.* XI, 16–20, attributing these actions to Justinian.
- 4 For the Apostolic Vicars, Schäferdiek 1967: 68–81.
- 5 L. A. Garcia Moreno 1988: 154–6, believes that these appointments were related to the creation of the Hispanic prefecture, so they would be the result of metropolitan claims and limited the authority of Caesarius of Arles.
- 6 The story of the confrontation between the Bishop of Agde and a count for a church land (Greg. Tur., *In glor. Mart.* 78) has all the signs of an invention designed to demonstrate

- how the miraculous action of the divinity was operating in favour of the Catholic churches.
- 7 Continuing the line drawn in Agde (*Conc. Agath.*, c. 35).
 - 8 Theodoric married his daughter Amalasunta to Eutharicus, a Goth of Spain (Iord., *Get.* 298). However, the early death of Eutharicus complicated the planned succession and prevented the union of the two kingdoms.
 - 9 After being defeated by Childebert, he was killed by the Goths (Greg. Tur., *Hist. Franc.* III, 10; Is., *Hist. Goth.* 40) or by one frank (*Chron. Caes.* ad a. 531).
 - 10 The signatures of two bishops who arrived late to the meeting were added. E. Florez (*España Sagrada* VI 1771: 135) believes that it is possible that they came in defence of Marracinus, which would make him a bishop of Tarraconensis. However, it seems he did not participate in the debate (Orlandis and Ramos-Lissón 1986: 115) which would support the view that he was a bishop from outside Gothic territory.
 - 11 The opposite opinion is held by Thompson (1971: 47), for whom Marracinus had been expelled from B. Toledo. In the same way, Dumézil (2005: 256), notes that he was allowed to attend the synod in the same way that Alaric II had granted such permission to Verus of Tours.
 - 12 Apringius of Beja's literary work has been traditionally understood as an anti-Arian allegory, but there are some who reject this interpretation as forced, seeing in it the manifestation of freedom which characterizes the bishops' pastoral work. There are only generic references to the heretics to be found there: Apr. episc., *Apoc.* XXI, 27.
 - 13 We do not know the ancestry of Agila, but he could have been an Ostrogoth.
 - 14 In addition to the episode of Zaragoza, see Hyd., *Chron.* 89–90.
 - 15 This contrasts with the unyielding attitude of the Catholic-Frank Clotilde.
 - 16 A religious unity which was part of the united population. In this sense, Leovigild repealed the formal prohibition of mixed marriages: *L.V.*, 3, 1, 1.

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The Bishops and the Byzantine Intervention in Hispania

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Introduction

In the Iberian Peninsula during the second half of the sixth century the final political fate of all Hispania was settled. The struggle was fought between two contenders: the Visigoths and the Byzantines. However, the chess game that this confrontation was to become, and which was to last approximately 70 years, was not limited to the two adversaries, as a third player was also to intervene. Their role is not obvious and thus they are rarely taken into account. Nevertheless, without being a direct combatant, their eventual tendency towards one side was to be crucial to the resolution of the conflict. This third protagonist was the local aristocracy, led by their bishops, who had governed the destinies of the southern territories for decades (Salvador Ventura 1990: 24–75).

The progressive weakness and eventual collapse of the Western Roman Empire led to the southern peninsular organizing itself along autonomous lines around an aristocracy of Roman origin that had come to dominate the Episcopacy. This situation was prolonged throughout the fifth century and beyond, until the 530s when the Visigoths entered the arena. The Visigoths had progressively and definitively settled in the Iberian Peninsula after the battle of Vouillé (507) but had, according to extant sources, not yet concerned themselves with the territories south of the Sierra Morena. It would appear that their interest in the rich Betis valley grew as a consequence of the Byzantine threat. The Byzantine Empire had, in the years 533–4, established a bridgehead on the African side of the Straits, in *Septem* (Ceuta) (Procopius BV II, 5, 5). From then on, the Visigoth vanguard had at its epicentre the distinguished city of *Hispalis* (Seville).

In the middle of the century, the Byzantines found the desired excuse to make their presence felt in the peninsula, following the strategy that had achieved such notable results in Vandal Africa and Ostrogoth Italy. From Constantinople, the emperor Justinian (527–65) in accordance with his policy of attempting to restore the previous limits of the empire, known as the *Renovatio Imperii*, took advantage of the internal political quarrels of the young Germanic kingdoms, taking sides in one of their factional struggles with the intention of re-conquering the imperial territories of the past. The opportunity arose when the Visigoth noble Athanagild (551–67), a rebel against King Agila (549–55), requested his aid. The minimal deployment of forces and the rapid Visigoth response, joining forces and closing ranks against Athanagild, impeded their plans and the Byzantines found themselves obliged, before renouncing the affair, to settle on a narrow coastal strip, which stretched from Cabo La Nao to the Strait of

Gibraltar.¹ The orographic features of the region which have been insufficiently considered, enabled them to defend it with limited forces while awaiting a new opportunity to achieve the longed for conquest of Hispanic territory (García Moreno 1973).

Thus, by the middle of the century the two external forces that wished to dominate the South and, by extension, the entirety of Hispania already had a presence in the territory. In order to better understand the development of events however, several questions regarding the aforementioned third actor in the process would have to be posed, the responses to which could prove illustrative: What was the situation of the third actor, the settled population? Did they take the side of one of the contenders? How did they influence the unfolding of events?

The southernmost population was guided by their Episcopal leaders through a network of churches which for decades had been fairly well organized (Ubric Rabaneda 2004). One would suspect that, in principle, they would consider both the Visigoths and the Byzantines to be alien elements: the former were Germans and the latter would have seemed remote by this time. Perhaps one might expect a greater ideological proximity to the Byzantines due to their cultural and religious commonality as Romans and as Catholic Christians. To judge by events, however, there was no such sympathy and in fact distance took precedence over Rome and Catholicism.

The relocation of a family of notables, that of the brothers Leander and Isidore of Seville (Fontaine 1983), from Cartagena to Seville due to the arrival of the Easterners shows this lack of closeness. They did not need to do so, as the family, at a time of great political uncertainty, had enjoyed great autonomy in determining the destiny of the region for approximately a century. Perhaps pragmatism drew them closer to their Visigoth neighbours, although this is not clear either. Both sides must have courted their interest, without definitive results. It is also possible that the attitude of the Southerners was neither unanimous nor firm, and that they modified their initial position during the course of events. In this sense the creation of the Visigoth Kingdom of Toledo with its peninsular ambitions was vital, and final victory in the conflict fell to the Visigoths after receiving the support of this important southern group.

Attempts to answer the questions posed above will be provided in the following pages, taking as a base the position adopted by several of the most notable protagonists. The complex process by which the southern bishops finally opted for, and committed themselves to, the creation of a Hispanic Visigoth kingdom will be illustrated by tracing the trajectory of five southern prelates. Two presided over the dioceses of the capitals of the two provinces with a Byzantine presence: in Baetica Leander of *Hispalis* (Seville), and in *Carthaginiensis* Licinianus of *Carthago Spartaria* (Cartagena). A further two led certain other churches of important cities in the same two provinces: in Baetica Januarius of Malaca (Málaga) and in *Carthaginiensis* Cecilius of Mentesa (La Guardia, Jaén). One more, Stephen, belonged to an unknown see. Three of these churches were in Byzantine territory: Cartagena, Málaga and the unknown area, and the other two in that of the Visigoths: Seville and Mentesa. The attitude of each of them serves to demonstrate the different relations between the actors and how they positioned themselves before the conflict, to a great extent according to the tenor of the times. The case of Leander of Seville is perhaps the most representative, because more information is available about him, and perhaps the most illustrative, as it is highly useful to observe the change of position among the locals who were faced with this conflict.

Licinianus of Cartagena (. . . 586 – before 602)

After the Byzantine landing and the failure of their attempt to dominate Hispania, the peninsular region that remained under their control was limited to the aforementioned narrow coastal stretch of the south east. This was added to the Balearic Isles and Ceuta to form the province of *Spanía*, which survived for approximately 70 years. Previously, these territories had formed part of the Roman provinces of Baetica and *Carthaginiensis*, which, to greater or lesser degrees of control, remained in Visigothic hands. The clearest consequence of the Byzantines' arrival was the effect it had on the metropolitan church of *Carthaginiensis*. *Carthago Spartaria* was situated on the Byzantine side of the territorial divide and as a consequence its bishop lost his influence over the greater part of the province. By contrast, it must be supposed that he came to exercise his leadership over all the churches of the Byzantine province in Hispania (*Asidona* – Medina-Sidonia, Cadiz-, *Malaca*, *Vrci* – on the outskirts of Almería-, *Ilici* –Elche, Alicante-, *Danium* – Denia, Alicante-, *Maiorica* – Mallorca-, *Minorica* – Menorca-, and *Ebusus* – Ibiza-) given that it was the only capital of the province that was in his power. Indirectly, the See of Toledo, situated in the same province, but on the Visigothic side of the divide, benefited from the new situation. On becoming the capital of the Catholic Visigothic kingdom from the time of Reccared (586–601), Toledo began, in a subsidiary way, to assume the mantle of leadership of the Visigothic territories of *Carthaginiensis*, under the name of the province of Carpetania. Some decades later, it would exercise leadership over all the churches of Hispania.

The chronology of Licinianus, the Bishop of Cartagena, is not known with certainty, although it is known that it coincided with the period in which the controversial governor Comenciolus was the chief Byzantine leader. To judge by the fact that Isidore of Seville included him among his *virii illustres* (*De viris illustribus* XXIX),² Licinianus must have been a prominent intellectual and his influence surpassed that of the ordinary profile of a bishop. Evidence of his Episcopal labour as a metropolitan survives in the form of certain letters in which his work at the head of the Church of Cartagena is detailed. One of these was sent to Bishop Vicente in Ibiza, in which he reproaches him for his negligent attitude towards the diffusion throughout the island of works of Judaeo-Christian inspiration. The existence of previous correspondence between the two is alluded to in this letter (*Epistulae* III). Licinianus's Episcopal praxis was not limited to labours within his territorial demarcation or to those appropriate to his being head of the province; there is evidence of his maintaining direct contact with the Roman primate. In fact, another of the letters is addressed to Pope Gregory I (*Ep. I: Liciniani, Carthaginiensis episcopo, ad sanctum Gregorium papam*), giving his opinions on certain of Gregory's writings that had arrived in his hands. He also informed him of a visit Leander had paid him on returning from travels that had taken him to Constantinople (*Ep. I: Ante paucos annos Leander episcopus Spalensis remeans de urbe regia . . .*). It seems logical that Leander would wish to make Licinianus aware of his actions at the Byzantine court when he was seeking aid for the rebel Hermenegild. This would demonstrate that the events connected to Hispania were interrelated, transcending the distinct powers that, at a determined moment, divided their territory. Licinianus observed events from the Byzantine side and Leander from Visigothic territory, though while being alert to the new scenario arising from the conversion of

the Visigothic prince to Catholicism. On both sides, the two prelates had a common interest, extending beyond the simply political, in the triumph of Catholicism, in whose interests they adopted the appropriate strategy.

Unfortunately, very few sources concerning the Bishop of Cartagena have survived. However, he does not seem to have demonstrated great differences with the Byzantine political establishment to which he was subject, represented by Comenciolus. This individual was installed in the capital of the Byzantine province and dedicated himself to reinforcing the defences of *Cartago Spartaria* and becoming involved in provincial ecclesiastical affairs. The degree of enthusiasm that the bishop demonstrated for the possibility of a Byzantine conquest of Hispania which would have guaranteed the continuity of the Catholic religion against the Aryan threat embodied in the figure of the belligerent Visigothic king Liuvigild (569–86), is unknown. Certainly, there is no surviving evidence to suggest that his position would have been critical of the Byzantines. Nevertheless, his attitude must have changed at some point, if we consider the important information given us by Isidore that he ended his life in the Constantinopolitan capital. It does not appear reasonable that he should find himself so far from his see, save in the event of some extraordinary circumstances. Isidore refers to this when he succinctly informs us of the nature of his death: he died in Constantinople poisoned by his enemies (*occubuit Constantinopoli, veneno . . . extinctus ab aemulis . . .*). As one might logically assume, this information has given rise to much speculation (Vallejo Girvés 1993: 426–7). The most plausible solution would appear to be that which, as well as fitting with the situation of Hispania at the time, corresponds to the above-mentioned unknown factors: the reason for his presence in the capital and the violence of his death. It would not be adventurous to think that when Licinianus acceded to the metropolitan see he believed that the final result of the conflict would favour the Byzantines, who furthermore shared with him the same Catholic creed. Following the turn of events in favour of the Visigoths, however, Licinianus must not have demonstrated the enthusiasm in defence of the Easterners' cause that they had anticipated, and this enthusiasm would have waned still less more after the bishop was informed of the failure of Leander's embassy in Constantinople. This was particularly dangerous in the episcopal see of the capital of the Byzantine province in Hispania. It is therefore probable that Licinianus was called to account in the imperial capital, either in an attempt to bolster his pro-Byzantine convictions or to remove him, as someone not openly given to their cause, from the ecclesiastical leadership of such a significant city for the Byzantines. This second possibility may be corroborated by the fact that he was assassinated, eliminated due to the discomfort his figure caused, whether *in situ* or in the remoteness of the capital.

Apart from the many questions raised by Licinianus, there is one fact about which there is no doubt. The certainty of his direct connection with the highest authority of the Catholic Church, Pope Gregory I, with whom he apparently maintained frequent written correspondence. This should not be surprising, given that his situation was different to that of the majority of the bishops in Hispania, subject to the political power of the Visigoths, albeit these were now less belligerent following their conversion to Catholicism which had been formalized at the third council of Toledo (589). The distinct churches in the territories under Byzantine control would have been dependent on imperial power, a situation similar to that of the Bishop of Rome. In addition to submission to the appropriate ecclesiastical organization, therefore, we must take

account in both cases of the political situation of dependence on imperial authority the two found themselves in. This relationship fell into a tradition of direct relations between the See of Rome and certain southern bishops dating back to very early times and which is documented contemporaneously through Leander, the Bishop of Seville.

Leander of Seville (. . . 582 – 599 . . .)

While the arrival of the Byzantines meant that the Bishop of Cartagena had gone from being primate of all *Carthaginensis* to exercising religious primacy over a Byzantine Spanish province of reduced dimensions, in the other province of the south, Baetica, the metropolitan See of *Hispalis* remained on the Visigothic side of the territorial divide. At its head was to be found Bishop Leander, who, curiously, was from an aristocratic family originating from Cartagena. At that time Liuvigild sent his son Hermenegild to the city of *Hispalis* as *consors regni*, something which was to greatly influence the course of events (Juan de Biclaro, *Chronica*, a. 573, 5). It is probable that his intention was to observe from close quarters the development of events with regards to his Byzantine neighbours.

The installation of Hermenegild in the south of the peninsular facilitated direct contacts with the local aristocracy, one of whose most illustrious members would doubtless have been the person at the head of the Church of *Hispalis*. These contacts had a destabilizing function that was contrary to the aims that Liuvigild had manifested through his political reforms. The character of Leander of Seville was far from that of a bishop solely dedicated to his ecclesiastical ministry. In his double role as a leading member of the southern church and a man of aristocratic extraction, he was to have a verifiable influence over events.³ As a high dignitary of the church, Leander was clearly interested that the trial of strength between Arianism and Catholicism which had begun with the arrival of the Visigoths would finally resolve itself in favour of the latter. To this end, the great feat of having achieved the conversion of such an important person as the most likely successor to the monarchy has to be recognized. But neither should it be forgotten that his character also contained a political aspect and a lively interest in the business of government. Thus, as a qualified member of the southern aristocracy, used to the independent management of his affairs, he did not set aside a desire to play a determining role in the political vicissitudes of the southern region. This would be demonstrated by his subsequent manoeuvres in affairs that went beyond the region in which he had previously acted and which would carry him for some time to the other end of the Mediterranean, to Constantinople.

It would be difficult to establish with clarity the internal bases of support which provided the foundation for the rebellion of Hermenegild (579–84), although the attitude of Leander of Seville shows he possessed the support of at least a considerable part of the southern aristocracy. His anxiety to strengthen his position, still to be consolidated in the interior, led Hermenegild to negotiate the external aid that would finally tip the balance in his favour. In the interests of this strategic gamble he was obliged to contact the principal political-military power of the Mediterranean, Byzantium (Gregory of Tours, *Historia Francorum* VI, 18).

Obtaining Byzantine collaboration does not appear to have required great effort, as the Easterners found themselves stationed a little more than 100 kilometres from the city of *Hispalis*. Hermenegild was certainly not unaware of the danger for him in so acting, given the more than predictable intentions of the empire to take advantage of the situation to proceed to the conquest of Hispania. This had previously occurred with the Vandal and Ostrogoth kingdoms and had been attempted some time before with Athanagild. Nevertheless, his weakness prevented him from acting without the collaboration of the Easterners.

This presented Byzantium with a further opportunity to achieve their objective, although it does not seem that they put sufficient troops at the service of the rebel to take the military initiative in the conflict. The unexpected impasse provoked a great deal of nervousness in Hermenegild, resulting in the embassy with which the bishop Leander of Seville was sent to Constantinople *pro causis fidei Visigothorum*, in the ambiguous and laconic manner with which Gregory I puts it in the preface to his *Moralia in Job*. Obtaining the active participation of the Eastern allies would likely have caused a definitively successful turn in the development of events. Therefore, the key to the fortune of the rebellion was not to be found in establishing an agreement with the *magister militum Spaniae*, the supreme ruler of the Byzantine province in Hispania to whom he must have appealed in the first instance. Hermenegild needed to direct himself further, to the centre of Imperial power. He decided to send as his ambassador as notable an individual as the prelate of Seville in order to ensure that the necessary actions were carried out at the highest level: before the person of the emperor himself, Tiberius II (578–82).

It is impossible to ascertain with certainty what arguments offered and what conditions promised to convince the supreme imperial authority of the necessity of a decisive intervention in distant Hispania. It can be assumed that they would have dealt with both human and divine aspects: the moral obligation of the Catholics to fight for a future Catholic monarch against the Aryan heretics on the one hand, (Goubert 1944: 28–9 and 37), and, on the other, territorial compensation that would expand the narrow coastal strip of the Byzantine province in Hispania. However, the embassy was not to be crowned with success, and in fact failed totally. Once the Byzantines had found themselves committed to other military endeavours they decided not to intervene and, what is more, knowing how to take advantage of weakness, they extracted economic compensation from the Visigothic monarch in exchange for their non-intervention in the conflict. Byzantine inaction and the resolute offensive of King Liuvigild led to the victory of the latter over his son, who was captured in Cordoba in 584 and murdered in a gaol in Tarragona a year later. The subjugation of the rebel territory, together with a further series of campaigns in nearby areas, ensured that the greater part of the southern region became Visigothic territory. From then on, the only place remaining outside of their control was that under the Byzantine mandate, the province of *Spanía*.

The date of Leander's return to his episcopal see is not known with certainty, although the year 586, the year in which the Gothic king died is probable, though there is some disagreement as to whether it took place before or after his death. In spite of what Gregory I affirms (*Dialogi* III, 31), in all probability the return took place after the king's death, given that it is unlikely that a prelate who had been ambassador of the rebel cause to the emperor could have been kept well protected in a city which was now clearly integrated into the Gothic

kingdom. What is certain is that when the heir to the throne and brother of Hermenegild, Reccared, converted to Catholicism in the year 587, the influence of Leander played a role in his decision (Fontaine 2002: 77). The situation created in Hispania by the almost complete Visigothic domination of the southern area and the conversion of their monarch appreciably changed the political horizon at the beginning of the nineties.

Adapting to this state of affairs could either be seen simply as the forced acceptance of a given situation, or be understood as a common project in which participation would acquire vital importance. It is the second possibility that seems to have been adopted by the southern aristocracy, especially its ecclesiastical element, once the obstacle of religious differences of times past had been overcome. The autonomist traditions of the aristocrats, reluctant to integrate themselves into a Hispanic Visigothic kingdom, and their possible pro-Byzantine inclinations, disappeared at a stroke with the disappointment and disillusion caused by the attitude adopted by the empire during the recent events.

The direct consequence of this change of heart can be seen in that one of the most illustrious representatives of this social group was unequivocally involved in the consolidation and definition of a peninsular Catholic Visigothic kingdom (Salvador Ventura 2000). The celebration of the third council of Toledo in 589, which produced the mass conversion of the Visigoths to the creed of Nicaea, is a good example of this. During the sessions the most notable religious figure was Leander of Seville, charged with composing the sermon directed to the participants at the council. This was the point of departure for a process which, during the seventh century, was to elaborate the definition of the primary political entity of the West in conjunction with the theoretical consciousness of its existence (Teillet 1984). The principal protagonist of this *constituent* process was to be none other than Leander's younger brother, successor to the episcopal see and intellectual heir: Isidore of Seville. His guiding of events in Hispania during the first third of the century is unquestionable and his shadow was ever present throughout the rest of the century. The religious and political stature of Leander of Seville prevented him from abandoning himself to the disappointment doubtless produced by the failure of his manoeuvres in the east and instead served as a spur to re-approach a situation in which the aristocracy of the south were to play a definitive role, embodied by the two prelates. Leander indicated to his younger brother the direction by which they were to navigate these new times.

The contacts maintained in the fifth and sixth centuries between the city of *Hispalis*, perhaps the most notable southern urban entity during this period, with the rest of the Mediterranean (and in particular with Constantinople thanks to the prelate of Seville) are well documented. These were brusquely altered when, after the Byzantines had failed to take advantage of an ideal opportunity to make themselves the owners of all Hispania, the southern zone changed the course of its gaze, orientating itself from then on towards Toledo, the capital of the Hispanic Visigothic kingdom.

Returning to the Byzantine province in Hispania, it can be seen that the ecclesiastical atmosphere following the conversion of the Visigoths to Catholicism at the third council of Toledo was far from calm. Evidence has survived of two bishops who appealed directly to Pope Gregory for justice after being deposed from their sees and sent into exile by Comenciolus, the supreme imperial governor in *Spanía*. Finally, and not without a significant delay, he intervened through his envoy *Iohannes*, to whom he gave specific instructions for the reinstatement of Bishops *Ianuarius* and *Stephanus*. In both cases his action was irregular, although on examination of the procedure which was followed and the accusations against them, this appears to be due to the exceptional circumstances involved.

Januarius, the head of the diocese of Málaga, was violently ejected from the church and forced into exile. Our evidence does not reveal the specific accusation made against him. Pope Gregory I only makes reference to whether or not the offence deserved the punishment of deposition and exile. Confronted by such circumstances, the prelate appealed to papal authority to intervene with regard to the irregularities that had been committed in the process against him. The action against Januarius was taken under pressure from the *gloriosus vir Comitiolus* (*Epist.* XIII, 47), supreme ruler of the Byzantine province in Hispania, who for this purpose had at his disposition the cooperation of certain bishops and of individuals close to him. The decision of the Pontiff decreed that Bishop Januarius should be rehabilitated and reinstalled in his see, and he adjoined to this the formula of the sentence that his envoy John was to declare once the parties had been heard (*Epist.* XIII, 49). The prelate who had occupied the see was stripped of his priesthood, expelled from all ecclesiastical responsibilities and put either at the disposition of Januarius, or of Gregory himself. Furthermore, the bishops who had participated in the action were punished with six months of excommunication and penitence while interned in a monastery. A whole series of peculiar circumstances attenuated the punishment of the successor bishop and the other prelates who had participated in the process. Only at the end of one of the letters does Gregory consider the possibility of Januarius's guilt, in which case his envoy was free to act at his own discretion. Nevertheless, Gregory appears to have been convinced of Januarius's innocence, as his concrete instructions refer only to that possibility, while if the reverse was the case, John was to have a free hand.

The other bishop to whom Gregory refers is Stephen, who, as in the previous case, was deposed and forced into exile. The see of this prelate, a signatory of the minutes of the third council of Toledo in the year 589 and the first council of Seville in 590, is not documented. It has been suggested that he was the Bishop of *Iliberis* (Granada). This, however, is impossible because, among other reasons, the city at no time formed a part of the Byzantines' peninsular territory.⁴ With the exception of Málaga and Cartagena, all of the Byzantine dioceses are possibilities. In my opinion, their geographical proximity to Málaga would suggest either *Asidona* or *Vrci* as the see in question.

On this occasion Gregory does specify the accusation made against Stephen. He was accused of lese-majesty (*maiestatis crimen*), the possibility that he would have endangered the state, a crime which brought severe punishment. As in the case of Januarius, pressure from Comenciolus obliged the bishops to declare his removal from office. There were numerous further irregularities, however, documented in the letter containing the model legal

requirements, such as the fact that Stephen had been brought to trial by force, that he was tried by bishops from another council, that his serfs were heard in evidence against him, that people of low condition made statements against him in his absence and that the sentence was not declared in writing (*Epist.* XIII, 50). From then on, the pontiff resolved upon the rehabilitation of Stephen and his being reinstalled at the head of his see. He decreed, furthermore, a series of punishments, identical to those in the case of Januarius, for his successor, the possible second successor, and the bishops who had participated in these events. Upon establishing his reinstatement, Gregory required that the patrimony that Comenciolus had usurped from Stephen's Church to be returned, an obligation extending to his heirs in the event of his death. As in the case of Januarius, he charged John to act at his own discretion should the accusation be found to be true, although he did not in fact believe this to be a possibility for the reasons expressed above.

A further question concerning the reason for the delay in Gregory's reaction remains. This question has been discussed in several works which suggest that the attitude adopted by the Pontiff was due to his desire to wait for favourable circumstances in which to act (Orlandis 1983: 364; Vallejo Girvés 1991: 481; Vilella Masana 1991: 185). These circumstances arrived in the year 602 which saw the death both of Maurice (582–602) and the dignitary involved in the case, Comenciolus. Furthermore, the new emperor, Phocas (602–10) distinguished himself by a policy which was highly favourable to the Roman See. In summary, these new political circumstances showed themselves to be propitious for the settling of this outstanding question.

Cecilius of Mentesa (. . . 612–20)

Almost two decades later, the political panorama had changed appreciably because, after the conversion of Reccared and the Visigoths to Catholicism, the strength of the Kingdom of Toledo was established beyond doubt. Facing them, the Byzantines remained at their coastal post, having waited some decades for the opportunity to take advantage of internal dissension to produce a favourable situation to incorporate all of Hispania into the Byzantine Empire. But years passed without such a situation presenting itself, and the adversary in fact became ever stronger and ever more disposed towards taking the initiative in the conflict.

To judge by our surviving evidence, the Visigothic king Sisebut (612–21), as Isidore of Seville informs us (*Historia Gothorum* 61), returned to an aggressively bellicose policy against the Byzantines which led to the conquest of various imperial cities. The supreme Byzantine commander, the *patricius Caesaris*, attempted to curb his momentum on repeated occasions proposing of a peace accord. He sent several letters to the Visigothic monarch, in the first of which he offered him, as a sign of his disposition towards an agreement, the freedom of the bishop Cecilius of Mentesa (*Epist. Wisigot.* III), who must have fallen into his hands as a result of a skirmish. Such an eventuality would not be entirely unexpected, given that the diocese of Mentesa was situated in close proximity to the border between the Visigoths and the Byzantines (Castillo Maldonado 2005: 132–3). The prelate appears to have adapted to

a prototype becoming ever more common on the Visigothic side: a product of the growing collaboration between the monarchy and the Catholic Church. This cooperation had as its origins the confluence of interests that were crystallized after the third council of Toledo and which openly benefited both sides. In exchange for the monarchy increasingly intervening in the appointment of bishops, the episcopacy was permitted a growing influence in certain spheres of civil power, with responsibilities appropriate to the purely administrative and judicial spheres.

There is no certainty regarding the concrete profile of the bishop Cecilius, although there are hints of a personal relationship with the Visigoth monarch that accords with the changing norms of the epoch. This relates to a personal letter that the king sent Cecilius during his bishopric, reproaching him for having abandoned his Episcopal tasks at the head of his community in order to retire to the tranquillity of monastic life and ordering him to return to his obligations (*Epist. Wisigot.* II). Some years previously, there had been another instance of direct contact between the Visigothic monarch and the bishop, although on that occasion he had not been the only recipient of the king's communication. Soon after acceding to the throne, the king enacted a law (LV XII, 2, 13) in which he charged the Bishops of Cordoba, *Tucci* – Martos, Jaén – and Mentesa with greater vigilance in enforcing anti-Semitic regulations in a series of communities belonging to their dioceses.

As a consequence of the outbreak of warfare which occurred during the reign of Sisebut and which to a great extent presaged the end of the Byzantine presence in Hispania, prisoners must have been taken on both sides. Among these the Bishop of Mentesa would have been a prized hostage due to his potential value as a bargaining chip in negotiations. It was precisely on this value that the supreme Byzantine commander gambled, apparently beating a retreat before the Visigoths' surge. In order for the bishop to have fallen into his hands, he must have been involved in the intense military activities of the time, although it is impossible to know what form this involvement took. Nevertheless, it would not be unreasonable to think that the proximity of the See of Mentesa to the border would have favoured the appointment as bishop there someone close to the king with whom, as we have seen, Cecilius had some degree of intimacy. A somewhat similar profile is embodied by the bishop Agapius of Cordoba, who was one of the three bishops the king charged with enforcing anti-Jewish regulations in the law cited above. The See of Cordoba was also a politically delicate one given by its proximity to the border with the Easterners and, above all, by its tradition of rebellion against the Visigothic monarchs. This prelate had been appointed after a military career, something which was censured by the bishops of Baetica at the second council of Seville (619). In any case, the capture of the bishop Cecilius by the empire seems to have put a valuable card to play during negotiations at the disposal of the governor Cesarius.

Epilogue

The South of Hispania had hosted a dense and consolidated Episcopal network from remote times. The incursions of the Byzantines into this territory caused a considerable alteration of

the political situation, to which the bishops, as leaders of the southern cities, found themselves obliged to respond. The relative failure of the imperial plans did not prevent certain territories remaining under their control, something which directly affected the ecclesiastical organization of the area. There were numerous territorial alterations at the provincial level and also at that of individual churches in the south of Hispania. We have certain information about them thanks to decrees in the provincial councils of Baetica, in which certain prelates requested the restitution of the status of the parishes that had previously belonged to them. The greatest relevance, however, as to the relationship of the bishops to the conflict is to be found in the attitude they must have adopted before the situation arose. With the information at our disposal, a certain initial predilection for the invaders owing to the affinity of their religious creed, can be discerned. The passing of time however revealed that events were unfolding in the other direction and in this respect the conversion of the Visigoths to Catholicism was crucial. From that moment on, as the figure of Leander of Seville clearly shows, the bishops' clear objective was the creation of a political and religious project identified with the geographic peninsula. After the expulsion of the Byzantines, this was crystallized in the Visigothic Kingdom of Hispania, with its capital in Toledo, and which was Catholic as a consequence of the involvement, in its foundation and definition, of the *corpus episcopale* of, particularly southern, Hispania.

Notes

- 1 It is surprising that there are still authors who persist, following the traditional belief, to extend the area dominated by the Byzantines to the interior of the valley of Guadalquivir, incorporating the city of Cordoba. Such a reading is derived from an incorrect interpretation of the information referring to this city, which is cited as *rebellis* (Juan de Biclaro, *Chronica*, a. 572, 2), not as subjugated to Byzantium (Salvador Ventura 1990: 38–46 and Vallejo Girvés 1993: 125–6).
- 2 He also included, among others, his brother and successor to the See of Seville, Leander (XXVIII).
- 3 The political dimension of the figure of Leander of Seville has been highlighted in the works of L. Navarra (1980) 'Interventi di Leandro di Siviglia negli sviluppi storici e religiosi della Spagna Visigotica. Aspetti positive e limiti', *Studi storico religiosi* 4, 1: 123–31 and in U. Domínguez del Val (1981) *Leandro de Sevilla y la lucha contra el arrianismo* (Madrid), 22–50.
- 4 The impossibility of identifying the bishop Stephen deposed by Comenciolus with the bishop Stephen of *Iliberis* is pointed out in P. Goubert, 'L'administration . . .', 92–3 and later collected in M. Vallejo Girvés, 'Bizancio ante la conversion . . .', 478.

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